

Title	Planning Applications
To:	Planning Control Committee
On:	14 December 2021
By:	Development Manager
Status:	For Publication

Executive Summary

The attached reports present members with a description of various planning applications, the results of consultations, relevant policies, site history and issues involved.

My recommendations in each case are given in the attached reports.

This report has the following implications

Township Forum/ Ward: Identified in each case.

Policy: Identified in each case.

Resources: Not generally applicable.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
The elimination of discrimination, harassment and victimisation;
The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;
The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, I have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based

upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the Planning Control Committee shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Development Manager

Background Documents

1. The planning application forms and plans submitted therewith.
2. Certificates relating to the ownership.
3. Letters and Documents from objectors or other interested parties.
4. Responses from Consultees.

FOR FURTHER INFORMATION ON THE CONTENTS OF EACH REPORT PLEASE CONTACT INDIVIDUAL CASE OFFICERS IDENTIFIED IN EACH CASE.

01	Township Forum - Ward: Ramsbottom and Tottington - Ramsbottom	App No. 64442
	Location: Ramsbottom Service Station, Stubbins Lane, Ramsbottom, Bury, BL0 0PU	
	Proposal: Variation of condition no. 12 of p/p 61364 (restriction of opening hours of retail unit/coffee shop to 0600 hrs to 2200 hrs daily) to allow the retail unit (only) to operate 24 hours, 7 days a week	
Recommendation: Approve with Conditions		Site Visit: N
02	Township Forum - Ward: Prestwich - Holyrood	App No. 67431
	Location: Land off Poppythorn Lane, Prestwich	
	Proposal: Residential development comprising 6 no. single storey apartments and 12 no. duplex apartments in part-two and three storey linked buildings with landscaped grounds, car parking and a new access road from Poppythorn Lane serving the development	
Recommendation: Minded to Approve		Site Visit: N
03	Township Forum - Ward: Radcliffe - East	App No. 67546
	Location: Land at Morris Street, Radcliffe, Manchester, M26 2HF	
	Proposal: Variation of conditions 2 (approved plans) and 4 (materials) to allow construction of retaining wall to the frontage of plots H1-H14 including associated steps / railings to comply with condition 16 relating to site levels; Reduction in height of eaves and ridge of proposed dwellings, addition of canopies to main entrances; Removal of condition 3 (affordable housing) which will be replaced by a legal agreement	
Recommendation: Minded to Approve		Site Visit: N
04	Township Forum - Ward: North Manor	App No. 67639
	Location: 10 Vernon Road, Tottington, Bury, BL8 4DD	
	Proposal: Variation of conditions 5 & 6 following approval of planning permission 62132 - Change opening hours from 07:00 - 19:00 to 08:00 - 21:00; Amend wording of condition 6 to allow doors and windows to be open till 9.30pm	
Recommendation: Approve with Conditions		Site Visit: N

Ward: Ramsbottom and Tottington -
Ramsbottom

Item 01

Applicant: Euro Garages Ltd

Location: Ramsbottom Service Station, Stubbins Lane, Ramsbottom, Bury, BL0 0PU

Proposal: Variation of condition no. 12 of p/p 61364 (restriction of opening hours of retail unit/coffee shop to 0600 hrs to 2200 hrs daily) to allow the retail unit (only) to operate 24 hours, 7 days a week

Application Ref: 64442/Full

Target Date: 13/09/2019

Recommendation: Approve with Conditions

Description

The application relates to an existing petrol filling station on the east side of Stubbins Lane., which is currently undergoing redevelopment as approved under permission 61364.

There are houses directly across Stubbins Lane to the west. There are commercial premises to the north and a Council swimming pool and fitness centre to the rear/east. To the south is the access road to the swimming pool and beyond that the Council yard, which is undergoing redevelopment to apartments providing care.

The application proposes to vary condition 12 of application 61364 to allow the retail unit to trade on a 24 hour basis alongside the petrol station. The associated coffee shop at the rear of the site would be open between 06.00 and 22.00 daily.

Relevant Planning History

33699 - Retention of additional price facility bars fixed to existing identity sign at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 25 November 1997.

35483 - Use of land as builder's storage yard and siting of portacabin at land adjacent to Stubbins Lane, Ramsbottom. Approved with conditions - 9 July 1999

40245 - Erection of office building at 40 Stubbins Lane, Ramsbottom. Approved with conditions - 4 March 2003.

44990 - Internally illuminated fascia sign & poster signs for carwash at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 7 September 2005

48780 - Installation of freestanding atm cash machine and bollards at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Refused - 20 December 2007.

56382 - Variation of condition 3 of permission 25094 - to extend opening to 24 hours at Ramsbottom Service Station, Stubbins Lane, Ramsbottom :

Existing condition - Petrol filling station and associated activities hereby approved shall be closed between 22.00 hours and 07.00 hours every day.

Proposed condition - Between the hours of 23.00 - 07.00 there shall be no deliveries to the shop and the car wash/jet wash shall remain inoperative.

Refused - 14 August 2013.

61364 - Redevelopment of existing petrol station including demolition of shop, car wash and industrial building and erection of a retail unit (Class A1) and drive thru coffee shop (Class A1), new car parking, site access and associated works at Ramsbottom Service Station,

Stubbins Lane, Ramsbottom. Approved with conditions - 25 July 2017.

64698 - 2 No. internally illuminated fascia signs and 1 no. mounted totem sign with 6 no. internally illuminated panel signs/24 hours sign to front elevation and 5 no. internally illuminated panel signs to western elevation of petrol station building at Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 17 October 2019

64529 - 1 no. internally illuminated totem sign - Esso, 1 no. internally illuminated totem pole sign - Starbucks, 1 no. non illuminated clearance bar, 1 no. internally illuminated wordmark lettering, 1 no. internally illuminated preview menu board, 1 no. internally illuminated 5 panel menu board, 1 no. internally illuminated No entry/thank you directional sign, 2 no. internally illuminated single sided siren roundels, 1 no. internally illuminated wall mounted directional sign, 1 no. internally illuminated drive thru directional sign, 1 no. internally illuminated internal hanging sign, 1 no. banner frame t Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 23 September 2019

64654 - Variation of condition no. 2 (approved plans) of planning permission 61364 for amended car parking layout, reduction in spaces from 20 to 19 and relocation of bin store t Ramsbottom Service Station, Stubbins Lane, Ramsbottom. Approved with conditions - 30 October 2019

Adjacent site

59005 - Demolition of buildings and redevelopment for Use Class C2 residential accommodation with care comprising 57 apartments for persons aged 65 and over at land of Factory Street, Ramsbottom. Approved with conditions - 10 August 2016.

Publicity

The neighbouring properties were notified by means of a letter on 19 July 2019 and site notices were posted on 24 July 2019.

7 letters were received from the occupiers of 23, 25, 29, 31, 33, 73 Stubbins Lane and 30 Factory Street, which have raised the following issues:

- The previous garage was open till 22.00 hrs and would close early as there was no passing trade.
- The retirements home on either side suffer from light and noise pollution from overlarge signage.
- There are other options nearby that already have 24 hour access for retail.
- The petrol station has opened on a 24 hour basis before without consent and took over 6 months to stop.
- It is not necessary to open 24 hours a day, 7 days a week. During the night the road is very quiet. How long until the coffee shop is open 24 hours as well?
- Increased traffic movements will disturb the local residents.
- The location could become a local gathering spot for people leading to anti social behaviour
- They do not have permission for the opening hours of the adverts.
- By opening this Las vegas style coffee palace you have allowed it to get worse and the independent coffee shops that have tried to make the centre more desirable will have an uncertain future.
- I am also very disturbed about the 24 hour application, I can only imagine that this will just encourage gangs of youths to hang around, just like they do at McDonald's in Rawtenstall, I believe that is a big problem.
- Another thing is we already have problems with parking here and this is only going to add to it. I'm just wondering if anybody from planning actually came to look at the site, probably not.
- Complain about articulated refrigerated lorries delivering to the premises between 1 and 3.30 in the morning and the unloading which takes 20 - 30 minutes.
- While the lorries are unloading the diesel engines are kept running and the lowering of the tail lift causes noise issues

- The Euro Garage petrol station on Stubbins Lane Ramsbottom is still operating 24 hours. This is causing problems with the station lights constantly being on and as they are so close to the houses opposite you get a constant red glow shining into your property.
- Taxi drivers tend to use the station at night and the revving of engines as they leave the forecourt is causing disturbance.
- The Starbucks has become a youth club and the constant loud conversations from young people moving between the coffee shop and the main Spar is disrupting the peace late at night.
- Also we are finding litter being strewn across the street.

25 neighbouring properties were notified of the revised plans/supporting information on 14 November 2019.

There was no further response.

Statutory/Non-Statutory Consultations

Traffic Section - No objections.

Environmental Health - Pollution Control - No objections.

Environmental Health - Commercial Section - No response

Design for Security - No response

Pre-start Conditions - Applicant/Agent [Not relevant/has/has not] agreed with pre-start conditions

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
EC2/2	Employment Land and Premises
EC6/1	New Business, Industrial and Commercial
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN1/5	Crime Prevention
EN1/7	Throughroutes and Gateways
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/2	Noise Pollution
EN7/5	Waste Water Management
S2/1	All New Retail Proposals: Assessment Criteria
S2/6	Food and Drink
S4/4	Car Showrooms, Car Sales Areas and Petrol Filling Stns
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Shopping Policy - The fact that the retail function, associated with the petrol filling station, already has consent, the extension of the opening hours would not raise any policy issues in

this respect. Given that the extended opening would occur when much of the town centre is closed, the proposal would not have a significant impact on the retail function of the centre.

Residential amenity - There are residential properties on Stubbins Lane and a care home (The Cottons) has been constructed on the site to the south of Porritt Way. It is acknowledged that there have been some issues in the past (2013) and noise and disturbance was reported within objection letters. The type of noise and disturbances (intermittent shouting, revving of cars, horns etc) were of a type that would be difficult to measure within a typical noise assessment and as such, were not been afforded due weight in the application (56382).

However, planning consent was granted in 2017 for a petrol station, retail unit and drive thru coffee shop and the petrol filling station only would be open for 24 hours.

A noise assessment was submitted with the application and an updated noise report, which took account of the petrol filling station being open and the potential impact upon the occupiers of The Cottons. The results of the assessment detailed with the report indicate that the payment of fuel in the shop as opposed to the night hatch at the shop, would not cause any discernable change in noise for occupiers of the nearby properties. The operation of the shop between 22.00 and 06.00 would lead to some additional visits, but these are likely to be minimal and would be unlikely to increase the noise for the occupiers of the adjacent properties.

The application site has been in operation on a 24 hour basis since 2020 and the Council is unaware of any complaints being made in relation to noise. Environmental Health - Pollution Control have no objections to the retail unit being open on a 24 hours basis. Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

The impact of the lights and advertising being switched on for longer is not considered a valid reason to refuse the application given the controls that can be put on to limit the lighting levels and spillage of light into the surrounding area.

Visual amenity - The only impact on visual amenity is lighting and litter. As mentioned above, conditions could be attached to any approval that would mitigate the impact of the lighting to an acceptable degree. With regard to litter, the petrol station would have litter bins which would be used by customers as they are currently.

Response to objectors

- There have been instances in the past when the petrol filling station opened on a 24 hour basis but the owners reverted back to the opening hours within permission 25094. Since then the site has been redeveloped and the petrol filling station has consent to dispense fuel on a 24 hour basis.
- Applications for advertisement consent has been granted on the site (64529 and 64698) which contain conditions restricting the luminance (or brightness) of the signs and the hours the signs can be illuminated.
- The issues of competition are not material planning considerations and cannot be taken into account.
- The issue of additional vehicle movements and the associated noise has been addressed in the main report.
- The retail unit has been open for 24 hours for over 2 years and no complaints of anti-social behaviour have been received.
- The proposed development provided 19 spaces, which would comply with the maximum parking standards for this development.
- The hours of delivery are restricted. In recent months no complaints have been received about the deliveries to the site.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered Location plan, 170118_PL3E and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

2. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

3. Following the provisions of Condition 4 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

4. Following the provisions of Condition 4 of this planning permission, where ground gas remediation / protection measures are required, the approved Remediation Strategy must be carried out to the written satisfaction of the Local Planning Authority within approved timescales; and

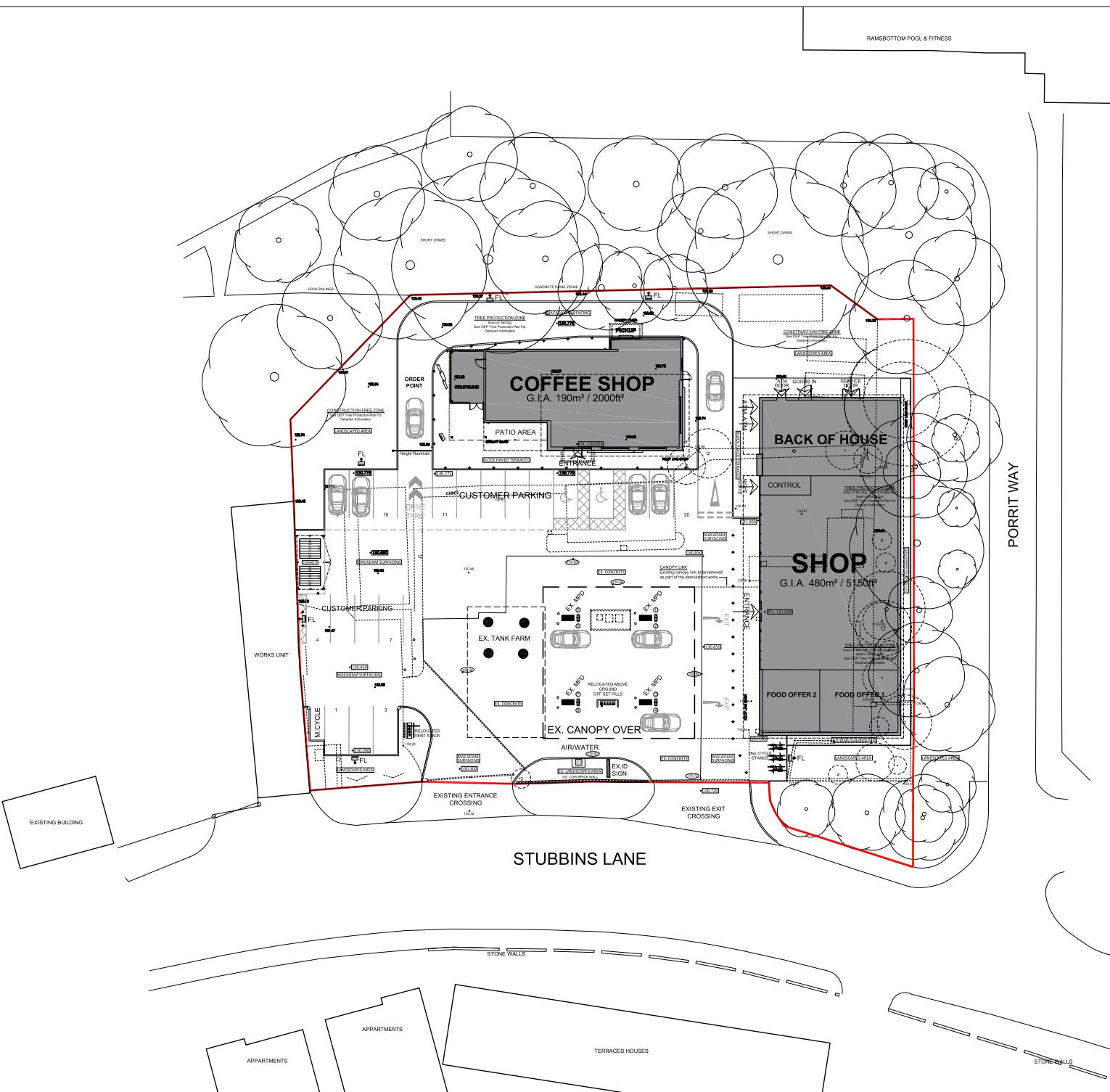
A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To alleviate any possible risk associated with the production of landfill gas and ground gas in accordance with the recommendations of the Environment Agency and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

5. No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation has been provided and approved in writing by the Local Planning Authority that no active bird nests are present.
Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 – Conservation of the Natural Environment and EN6/3 – Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
6. The development hereby approved shall only be carried out in accordance with the landscape management plan approved as part of condition 8 of permission 61364. The approved plan shall be implemented not later than 12 months from the date the building(s) is first occupied; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted to the written satisfaction of the Local Planning Authority.
Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to the following Policies of the Bury Unitary Development Plan:
Policy EN1/2 - Townscape and Built Design
EN8/2 – Woodland and Tree Planting
Policy EN6/3 - Features of ecological value.
7. Foul and surface water shall be drained on separate systems.
Reason. To ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
8. The development hereby approved shall be carried out in accordance with the drainage scheme approved as part of condition 11 of permission 61364 and shall be implemented prior to first occupation of the dwellings hereby approved.
Reason. No details of the drainage have been submitted and to ensure a satisfactory means of drainage pursuant to Policy EN7/5 - Waste Water Management of the Bury Unitary Development Plan.
9. The retail unit (Class A1) hereby permitted shall be open on a 24 hour basis. The coffee shop (Class A1) hereby permitted shall not be open to customers outside the following times:
06.00hrs to 22.00hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to Policies S2/5 – New Local Shopping Provision Outside Recognised Shopping Centres and S2/6 – Food and Drink of the Bury Unitary Development Plan.
10. Deliveries to the site shall only take place from 06.00 for the coffee shop and from 08.00 to 20.00 for the retail unit and petrol deliveries.
The deliveries shall be co-ordinated in accordance with a management plan, which must be submitted to and approved in writing by the Local Planning Authority prior to the buildings being first brought into use.
Reason. In the interests of residential amenity pursuant to Policy S4/4 - Car Showrooms, Car Sales Areas and Petrol Filling Stations of the Bury Unitary Development Plan.
11. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the buildings hereby approved being first brought into use.
Reason. To ensure adequate off street car parking provision in the interests of

road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

For further information on the application please contact **Helen Leach** on **0161 253 5322**



NOTE:

This drawing has been prepared by Jennings Design Ltd on behalf of Euro Garages for submission and approval under Town and Country Planning only. All advertisements displayed are subject to a separate application under the Control of Advertising Regulations.

- This drawing is subject to copyright laws & is for use on this project only.
- Proposed levels shown are for indicative purposes only.
- All landscaped areas will be subject to a separate Landscape Application.

SCHEDULE OF AREAS	
Site Area	0.30H / 0.76A
Existing PFS Building Gross Internal Floor Area	164m² / 1765ft²
Proposed PFS Building Gross Internal Floor Area	480m² / 5150ft²
Proposed Coffee Shop Building Gross Internal Floor Area	190m² / 2000ft²
Existing Car Park Spaces	0 Spaces
Proposed Car Park Spaces	20 Spaces
Proposed Motor Bike Parking Spaces	1 Space

GENERAL NOTES

EXISTING FEATURES

Existing PFS Building, storage building, car wash structure, canopy link & associated surface finishes are all to be removed as part of the site demolition works. The existing U/g fuel storage tanks/pipework, canopy & forecastcourt surfacing are to be removed during the demolition works.

A number of existing trees are to be removed during the demolition works, for detailed information refer to DEP Landscape Architecture Tree Protection Plan

CROSSING

Existing entry & exit crossings on Stubbins Lane are to be retained.

SURFACE FINISHES

1. Pedestrian areas - Selected and approved Block paving stones
2. Car Parking & trafficked areas - Hot Rolled Asphalt surface finish.
3. Landscape areas - Existing planting scheme to be implemented as denoted on plan.

BOUNDARY WALLS / FENCES

All existing boundary walls & fences noted to be retained are to be protected & made good where necessary upon completion, where beyond repair wall/fencing to be replaced with new to match existing.

CYCLE STAND

Sho. Sheltered style cycle stands to be located next to PFS buildings as shown.

FLOODLIGHTS

Proposed lighting plan for further floodlight & lux level details.

LANDSCAPING

See all relevant DEP Landscape Architecture details with regards to the tree removal & protection works and any proposed landscaping details.

REFUSE COMPUND

2nd. General refuse containers (6.1m front end loaders) to be located as shown on a concrete pad. Containers to be surrounded with a 2.4m high timber fence with gated entrance.

- PLANNING DRAWINGS**
- 170118_PL1 - EXISTING SITE PLAN
 - 170118_PL2 - PROPOSED SITE ELEVATIONS
 - 170118_PL3 - PROPOSED SITE ELEVATIONS
 - 170118_PL5 - PROPOSED COFFEE SHOP BUILDING PLAN
 - 170118_PL6 - PROPOSED COFFEE SHOP BUILDING ROOF PLAN
 - 170118_PL7 - PROPOSED COFFEE SHOP BUILDING ELEVATIONS
 - 170118_PL8 - PROPOSED COFFEE SHOP BUILDING ELEVATIONS
 - 170118_PL9 - PROPOSED PFS BUILDING ELEVATIONS
 - 170118_PL10 - PROPOSED PFS BUILDING ELEVATIONS

C APR'17 Refuse compound added & 1N8 parking area omitted
B APR'17 PFS Shop building internal layout amended
A APR'17 Planning drawings notes added to:
Comments

Rev	Date	Comments
STATUS		
PROPOSAL		
SITE LOCATION		
TITLE		



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Drawn by: WW Checked by: NJJ
Date: March '17 Scales: 1:200 @ A1
PLAN NO. 170118_PL3C

0 5 10 15 20 SCALE - METRES

Ward: Prestwich - Holyrood

Item 02

Applicant: Square One Homes (NW) Ltd

Location: Land off Poppythorn Lane, Prestwich

Proposal: Residential development comprising 6 no. single storey apartments and 12 no. duplex apartments in part-two and three storey linked buildings with landscaped grounds, car parking and a new access road from Poppythorn Lane serving the development

Application Ref: 67431/Full

Target Date: 14/12/2021

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for recreation provision in accordance with Policy RT2/2 of the adopted Unitary Development Plan and SPD1 and for 2 no. affordable dwellings in accordance with Policy H4/1 of the UDP and SPD5. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.

Description

The application site is a triangular piece of land, containing a number of garages and commercial buildings, which are in a state of disrepair. The Metrolink line and Prestwich station are located to the southeast of the site and the land rises quite steeply from the garage site to the line. There are residential dwellings, of two storeys, to the north and east of the application site, with the rear gardens facing the site. There is a single track access road, leading to Prestwich Cricket ground, which is located between the residential properties and the application site. There is also a pedestrian access to the town centre, which passes under the Metrolink line.

The application site is located within Prestwich town centre and is allocated within the UDP as a potential park and ride scheme for the Metrolink.

Permission has been granted twice for residential development in 2010 and 2012. Both these applications were in outline and both permissions have lapsed.

The proposed development involves the erection of 18 dwellings in a single 'linked' building. The proposed buildings would be part two storey and part three storeys in height and would be linked by the external, sheltered staircase. The proposed development would be accessed from Poppythorn Lane, which would link through to the existing cricket club. Access to the rear of the dwellings on Heys Road would be maintained. 18 parking spaces would be provided off the new access road to the front of the site and private amenity space would be provided to the rear of the building.

Relevant Planning History

42744 - Demolition of existing garages, proposed 15 apartments and associated parking (outline) at land to rear of 12 - 28 Heys Road, Prestwich. Withdrawn - 15 July 2004

43478 - Residential development - Demolition of existing garages and erection of 15 apartments and associated parking (outline) at land off Heys Road, adjacent the Metrolink Station, Prestwich. Refused - 15 December 2004

49236 - Demolition of existing garages and erection of 12 no. dwellings at land off

Poppythorn Lane, Prestwich. Refused - 10 April 2008.

50140 - Demolition of existing garages and erection of 12 dwellings (resubmission) at land off Poppythorn Lane, Prestwich. Withdrawn - 1 September 2008

52820 - Outline - Demolition of existing buildings and erection of 12 no. dwellings and associated access and car parking at land off Poppythorn Lane, Prestwich. Approved with conditions - 1 October 2010.

53963 - Outline - Demolition of existing buildings and erection of 9 dwellings and associated access and car parking at land off Poppythorn Lane, Prestwich. Withdrawn - 29 June 2011

54722 - Outline - Demolition of existing buildings and erection of 9 no. dwellings and associated access and car parking (Resubmission of 53963) at land off Poppythorn Lane, Prestwich. Approved with conditions - 2 March 2012.

02479/E - Erection of 20 no. dwellings with new access road at former coal yard, land south of Poppythorn Lane, Prestwich. Enquiry completed - 30 June 2021.

Publicity

The neighbouring properties were notified by means of a letter on 21 September 2021 and a press notice was published in the Bury Times on 14 October 2021. Site notices were posted on 5 October 2021.

1 letter in support has been received from the occupiers of 4 The Heys, which has raised the following issues:

- Developing the site will enhance the environment and improve security. The current site is an eyesore with dilapidated garage units.
- The new plan includes a new access road to the cricket club, which will be an improvement, doing away with the current dirt track road, which generates a lot of dust in dry weather and is challenging for large delivery vehicles to access the cricket club.
- There is demand for new housing in the Bury area. The location is a brownfield site and as such should be favoured for development ahead of building on green belt.
- My support is caveated with a need to address the drainage issue as the development site is at a higher elevation than The Heys cul-de-sac so there is may be an increased risk of flooding in The Heys following development.
- Also, The Heys shares a postcode with the cricket club so it's important that contractor traffic is aware to arrive at the correction location to avoid lots of avoidable turning around in the cul-de-sac where children play.

21 letters have been received from the occupiers of 6, 8, 10, 15 The Heys, 8, 12, 18, 19, 20, 22, 24, 26, 28, 32, 68, Heys Road, 16 Heaton Road, 23 Thick Hollins, which have raised the following issues:

- Where are the detailed plans for this development?
- The housing is not in keeping with the properties in the surrounding area
- Two storey properties may be acceptable but three storeys would be too high, especially as the properties on The Heys are 5 feet below the ground level for this development.
- Flooding issues. Will additional drainage be provided?
- Increase in traffic and lack of parking.
- The proposed building would tower over the existing dwellings.
- 19 units would be too many for the size of the plot, making it overdeveloped.
- Impact upon wildlife and surrounding trees
- The developer has prioritised maximising profit with a high density living scheme.
- Loss of privacy
- Residents will need to maintain access to the rear of their properties.
- Most residents will have more than 1 car. Where will the second car park?
- The proposed design is bland and will not bring any architectural merit to the area
- The site is not large enough to accommodate the number of dwellings proposed.

- If permission is granted, I need assurance that the access is maintained to my driveway and that the road would be of sufficient width to ensure I can back onto my drive.
- Concern about how construction work would affect my property.

The objectors have been notified of the Planning Control Committee meeting.

Statutory/Non-Statutory Consultations

Traffic Section - No objections in principle. Further comments to be reported in the Supplementary Report.

Drainage Section - Any comments shall be provided within the Supplementary Report.

Environmental Health - Contaminated Land - No objections, subject to the inclusion of conditions relating to contaminated land.

Environmental Health - Air Quality - No objections, subject to the inclusion of condition relating to electric vehicle charging points.

Environmental Health - Pollution Control - Any comments shall be provided within the Supplementary Report.

GM Ecology Unit - No objections, subject to the inclusion of conditions relating to lighting, nesting birds, invasive species and landscaping.

United Utilities - No objections, subject to the inclusion of conditions relating to foul and surface water drainage.

Transport for GM - No objections, subject to the inclusion of conditions relating to cycle parking, travel plan, a construction management plan, earthworks stability, boundary treatments, drainage, noise and tree protection.

Design for Security - Any comments shall be provided within the Supplementary Report.

Waste Management - Any comments shall be provided within the Supplementary Report.

Pre-start Conditions - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

Unitary Development Plan and Policies

EC2/2	Employment Land and Premises
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H2/6	Garden and Backland Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
EN8	Woodland and Trees
RT1/1	Protection of Recreation Provision in the Urban Area
RT1/2	Improvement of Recreation Facilities
RT2/2	Recreation Provision in New Housing Development
HT2/3	Improvements to Other Roads
HT2/4	Car Parking and New Development
HT3/4	Schemes to Assist Metrolink
HT4	New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
TC2/3	Vacant and Cleared Sites
Area	The Longfield Centre/Bury New Road
PR1	

SPD1	Open Space, Sport and Recreation Provision
SPD2	DC Policy Guidance Note 2: Wildlife Links & Corridors
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
SPD14	Employment Land and Premises
SPD16	Design and Layout of New Development in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Principle (Residential) - The National Planning Policy Framework should be treated as a material planning consideration and it emphasises the need for local planning authorities to boost the supply of housing to meet local housing targets in both the short and long term. There is a particular emphasis, as in previous national planning guidance, to identify a rolling five year supply of deliverable housing land.

Bury's Strategic Housing Land Availability Assessment sets out the latest housing supply position, which is made up with sites that have an extant planning permission and sites that have potential to obtain planning permission in the future. This shows that there are a number of sites within the Borough with the potential to deliver a significant amount of housing. However, not all of these sites will contribute to the five year supply calculations as many sites will take longer than five years to come forward and be fully developed (e.g. some large sites could take up to ten years to be completed). As such, latest monitoring indicates that the Council is unable to demonstrate a five year supply of deliverable housing land and this needs to be treated as a material factor when determining applications for residential developments.

Policy H1/2 states that the Council will have regard to various factors when assessing a proposal for residential development, including whether the proposal is within the urban area, the availability of infrastructure and the suitability of the site, with regard to amenity, the nature of the local environment and the surrounding land uses.

There are residential developments to the north and east of the site and the proposed residential land use would not conflict with the surrounding land uses. There would be adequate infrastructure available in terms of connections to the utilities and access to the site. The site is currently occupied by garages and various buildings and would be previously developed land. Therefore, residential development would be acceptable in principle and would be in accordance with Policy H1/2 of the adopted Unitary Development Plan and the NPPF.

Principle (Park and Ride scheme) - The site is allocated as a park and ride scheme in association with the adjacent Metrolink station. Policy HT3/4 states that the Council will support the provision of new or improved stations and car parks on the Metrolink system.

Transport for Greater Manchester (TfGM) confirmed during the last application on this site in 2012, that they had identified an alternative site for the proposed car park for the Metrolink, which would be located on the embankment to the south east of the station and within their own land. This site would also allow for level access to the station and platform to be achieved.

The proposed site plan includes an access that could be provided, should TfGM decide to go ahead with the park and ride scheme in this location. TfGM have no objections to the scheme, subject to the inclusion of conditions relating to cycle parking, travel plan, a construction management plan, earthworks stability, boundary treatments, drainage, noise and tree protection. Therefore, the proposed development would be in accordance with Policy HT3/4 of the Bury Unitary Development Plan.

Design and layout - Policy H2/1 states that all new residential development should make a positive contribution to the surrounding area and should have regard to the heights and roof types of adjacent buildings, the position and proximity of neighbouring dwellings and the density and character of the surrounding area.

Policy H2/2 states that the new residential development should demonstrate acceptable standards of layout including adequate parking available, suitable landscaping and open space.

The proposed development would provide three buildings, which would be connected by sheltered external staircases. The proposed development would provide 6 apartments and 12 duplex apartments with 1 and 2 bedrooms. The middle section would be three storeys in height and the other two sections would be a mix of two and three storey buildings. Whilst the proposed building would be a storey higher than the existing dwellings, the finished floor levels for the proposed building would be significantly lower. As such, the proposed building would be the same height as the existing dwellings on Heys Road.

The existing dwellings on The Heys are lower than the application site. However, the proposed building would be two storeys at the closest point, which would be 25.5 metres from the existing dwellings. Given the distance involved, which creates a visual gap, the proposed development would assimilate into the streetscene appropriately.

The proposed windows would be suitably aligned and the use of vertical glazing and Juliette balconies would add visual interest to the elevations. The proposed building would be constructed from red and beige brick with a tile roof, which would be appropriate to the locality.

The development would replace a collection of dilapidated structures and contaminated land from this immediate area. Therefore whilst the proposed development is essentially a piece of backland and is not positioned within the main streetscene it would regenerate a piece of brownfield land in a positive way and would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon surrounding area - The proposed site plan indicates that a reasonable amount of private amenity space would be provided to the north east of the proposed building, which would be acceptable in size. The proposed bin stores would be located at either end of the access road and would be of an acceptable size. The proposed boundary treatments would be a 1.8 metre high mesh fence and a 0.4 metre high knee rail, which would be acceptable in a residential area. Therefore, the proposed development would be in accordance with Policies EN1/2, H2/1 and H2/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD 6 provides guidance on aspect standards for residential properties and would be relevant in this case.

There are three blocks and these are referred to as Block 1, which contains units 1 - 5, Block 2, which contains units 6 - 13 and Block 3, which contains units 14 - 18.

There would be 22.4 metres between the rear elevation of unit 2 in block 1 and the rear elevation of 22 Heys Road, which would be in excess of the 20 metre aspect standard.

There would be between 23.75 and 31.6 metres between the rear elevation of blocks 1 and 2 and the rear elevation of the existing properties on Heys Road. This would be in excess of

the 23 metre aspect standard.

Block 3 would be located to the rear of No. 8 The Heys, which is at a lower level than the application site. There would be 15.85 metres between the gable wall of the proposed building and the rear extension of No. 8. While this would be 15 cm below the aspect standard, this would not be sufficient to warrant refusal of the scheme.

There would be 11 metres between the front elevation of the proposed building and the boundary of the site, which would be in excess of the 10 metre aspect standard.

Therefore, the proposed development would be appropriate in terms of aspect standards sought by policy and would not have a significant adverse impact upon the amenity of the neighbouring properties.

Noise - A noise assessment was submitted with the application, due to the proximity of the site to the Metrolink line and station. There would be 35 metres between the habitable room windows in the proposed development and the Metrolink station. The noise assessment confirms that with the use of double glazed units and trickle vents, the noise in the proposed apartments would be 25dB and 31dB, which would be an acceptable level. Therefore, the proposed development would not have an adverse impact upon the amenity of the future occupiers in terms of noise and would be in accordance with Policy EN7/2 of the Bury Unitary Development Plan.

Ecology - An ecological survey and assessment, including a bat survey was submitted as part of the application. The report states that the site contains common and widespread plant species and none of the habitats within the site are of significant interest from an ecological perspective.

The buildings are assessed to be of negligible suitability for use by roosting bats and no trees support any features suitable for use by roosting bats. As such, the presence of roosting bats can be discounted at the site. The habitats are assessed to be of 'low' suitability for use by foraging and commuting bats.

GM Ecology Unit has no objections, subject to the inclusion of conditions relating to lighting, nesting birds, invasive species and landscaping. Therefore, the proposed development would not cause harm to a protected species and would be in accordance with Policies EN6 and EN6/3 of the Bury Unitary Development Plan.

Highways issues - Access would be taken from Heys Road. The existing geometry of the access road includes a 90 degree bend and the proposed development would create a direct access along the longer section to the site and the sports club facility.

Appropriate visibility splays and turning facilities would be provided.

The proposed development would be accessed from the existing single track access, which would be widened to 5.4 metres and a 2.2 metre footpath would be provided. The improved access would continue to serve the parking area for Prestwich Cricket Club. The existing access would continue to serve the garages of the properties which front onto Heys Road.

Indicative access to the Metrolink car park is shown on the proposed site plan, which would ensure access to a park and ride scheme could be provided and maintained.

Comments from the Traffic Section will be reported in the Supplementary Report. However, there are no objections to the principle of the highway layout.

Parking - SPD 11 states that the maximum parking standards for a 1 bed dwelling is 1 space and 1.5 spaces for a 2 bed unit in a high access area. This equates to a maximum of 24 spaces.

The proposed development would provide 18 spaces for the proposed development, which would be 1 per unit. The site is located in a highly sustainable location, adjacent to the Metrolink station and is within walking distance of Prestwich town centre. As such, the level of car parking is acceptable and would be in accordance with Policy HT2/4 of the Bury Unitary Development Plan and SPD 11.

Planning obligations - The following planning obligations would be required:

- A contribution of £28,115.10 would be required towards recreation in accordance with Policy RT2/2 of the Bury Unitary Development Plan and SPD1.
- 2 affordable units would be required in accordance with the NPPF and Policy H4/1 of the Bury Unitary Development Plan and SPD5.

These would be secured via a Section 106 agreement.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered DR-A-A100 B, DR-A-A101 F, DR-A-A102 D, DR-A-A103 B, DR-A-A104 E, DR-A-A105 E, DR-A-A107 A, DR-A-A101 G, P183-655-02 and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

4. Following the provisions of Condition 3 of this planning permission, where

remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

5. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity

6. Prior to occupation the applicant shall provide one EV charging point (minimum 7kW*) per unit (dwelling with dedicated parking) or a minimum 20% EV chargepoints (minimum 7kW*) (for unallocated parking).

*Mode 3, 7kW (32A) single phase, or 22kW (32A) three phase, and for 50kW Mode 4 rapid charging may be required. British Standard BS EN 61851-1:2011 to be used (note this version is due to be replaced by BS EN 61851-1:2019 on 5 July 2022).

Reason: In accordance with the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

7. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

8. Foul and surface water shall be drained on separate systems.

Reason. To secure proper drainage, to promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

9. No development shall take place until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Local Planning Authority. The approved CMP shall include agreed safe methods of working adjacent to the

Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction methods to be used; including the use of cranes (which must not oversail the tramway);
- measures to control the emission of dust and dirt during construction.

Reason: To ensure that the developer complies with all the necessary system clearances and agrees safe methods of working to meet the safety requirements of working above and adjacent to the Metrolink system pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

10. No development shall take place until a geotechnical report to confirm that the works will not adversely affect the stability of the Metrolink embankment has been submitted to and approved in writing by the Local Planning Authority. Developer to pay for slope monitoring during works to ensure that construction works do not adversely affect the stability of the Metrolink embankment.

Reason: To protect the integrity of Metrolink infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

11. No development shall take place until full details of the boundary treatment between the development site and Metrolink land have been submitted to, and approved in writing by the Local Planning Authority. The approved details only shall be implemented prior to first occupation of the building hereby approved.

Reason: To ensure that an appropriate boundary treatment is installed on the boundary of the Metrolink tramway pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design

12. No development shall take place, until the detailed design for the drainage of the development, particularly the new highway, has been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be implemented in full prior to the first occupation of the building hereby approved.

Reason: To manage the risks associated with water run-off onto Metrolink land and infrastructure pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

Policy EN1/2 - Townscape and Built Design.

13. Prior to the commencement of the development a scheme for acoustically insulating the proposed development against noise and vibration from the adjacent Metrolink line shall be submitted to and approved in writing by the Local Planning Authority. The approved noise insulation scheme shall be completed before the use of the development commences.

Reason: To secure a reduction in noise from Metrolink in order to protect future residents from noise nuisance pursuant to the following Policies of the Bury Unitary Development Plan:

Policy H2/1 - The Form of New Residential Development

Policy H2/2 - The Layout of New Residential Development

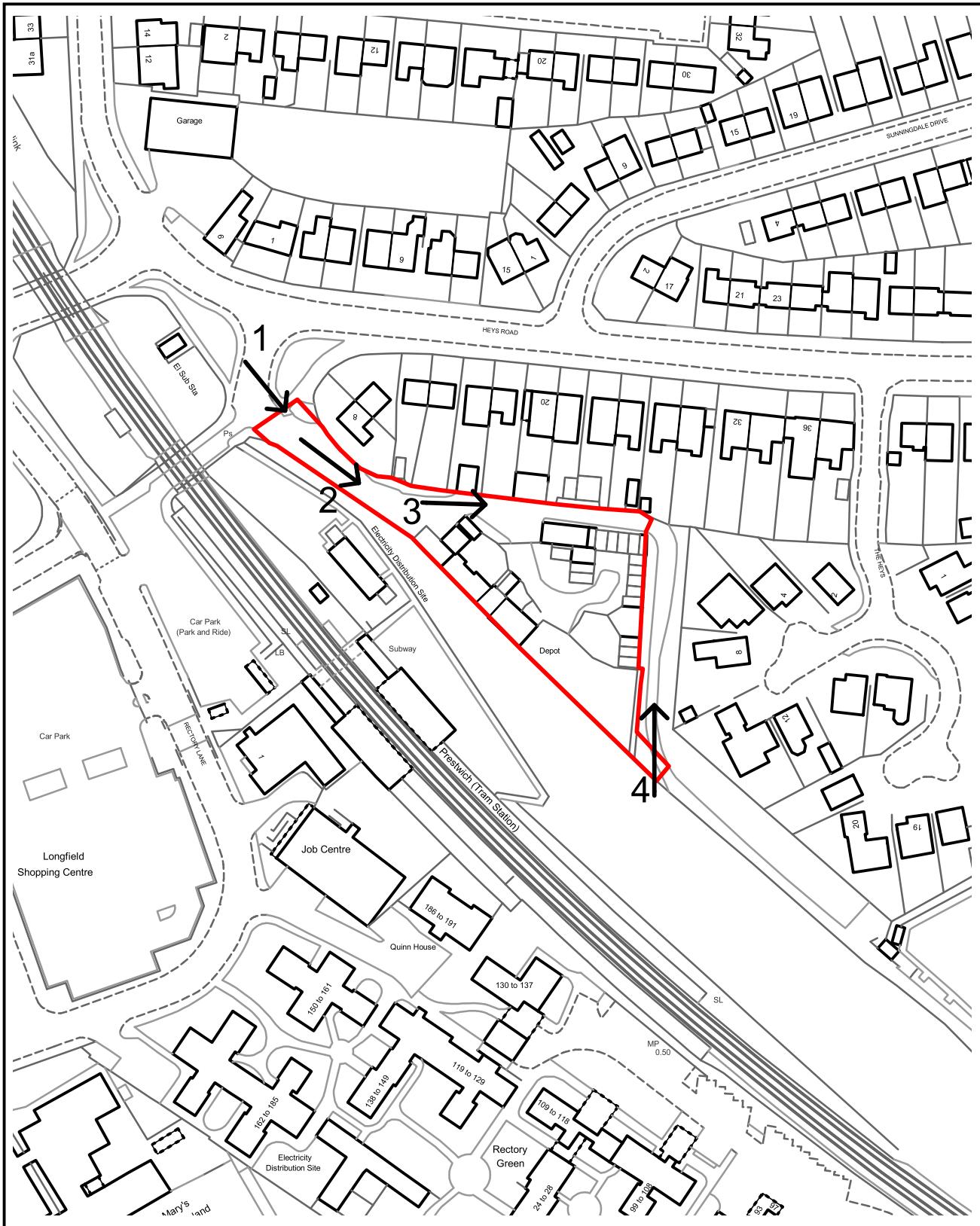
Policy EN1/2 - Townscape and Built Design.

14. No development shall take place until full details of the tree protection to the trees located within the Metrolink boundary have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the commencement of the development and maintained for the duration of the construction period.
- Reason: To protect trees against root damage and to maintain the status quo with regards the stability of the embankment pursuant to the following Policies of the Bury Unitary Development Plan:
- Policy H2/1 - The Form of New Residential Development
Policy H2/2 - The Layout of New Residential Development
Policy EN1/2 - Townscape and Built Design.
15. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the dwellings hereby approved being brought into use.
- Reason: To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.
16. The development hereby approved shall be carried out in accordance with the lighting scheme (plan reference P183-655-02) which shall be implemented before the building hereby approved is first occupied.
- Reason: To ensure the lighting causes no harm to the wildlife corridor pursuant to Policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
17. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
- Reason: In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.
18. No development shall commence until full details of a scheme for the eradication and/or control of Virginia Creeper and Wall Cotoneaster is submitted to and approved in writing by the Local Planning Authority. The approved management plan shall include a timetable for implementation. Should a delay of more than one year occur between the date of approval of the management scheme and either the date of implementation of the management scheme or the date of development commencing, a further site survey must be undertaken and submitted to the Local Planning Authority.
- Reason: The scheme does not provide full details of the actual extent of Japanese Knotweed and Himalayan Balsam in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.
19. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

For further information on the application please contact **Helen Leach** on **0161 253 5322**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 67431

ADDRESS: Land off Poppythorn Lane
Prestwich



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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67431

Photo 1



Photo 2



67431

Photo 3



Photo 4



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HEYS ROAD



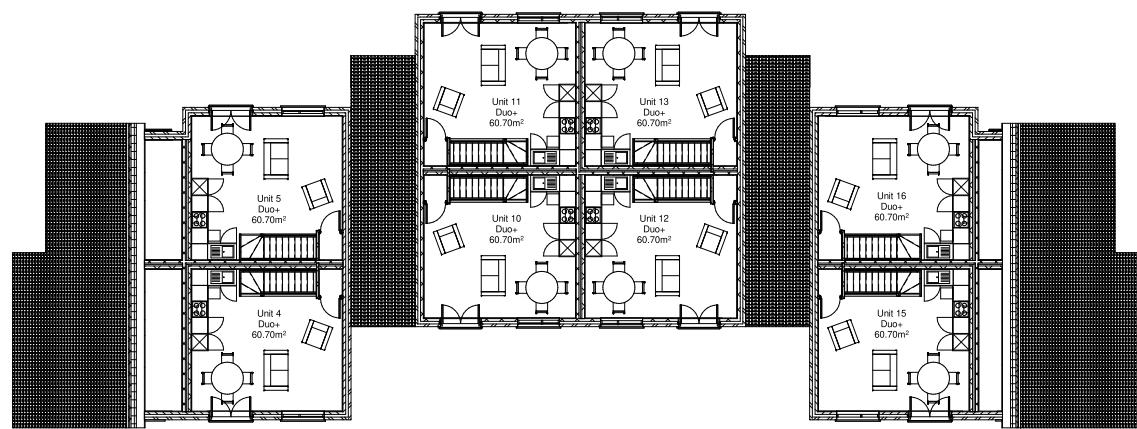
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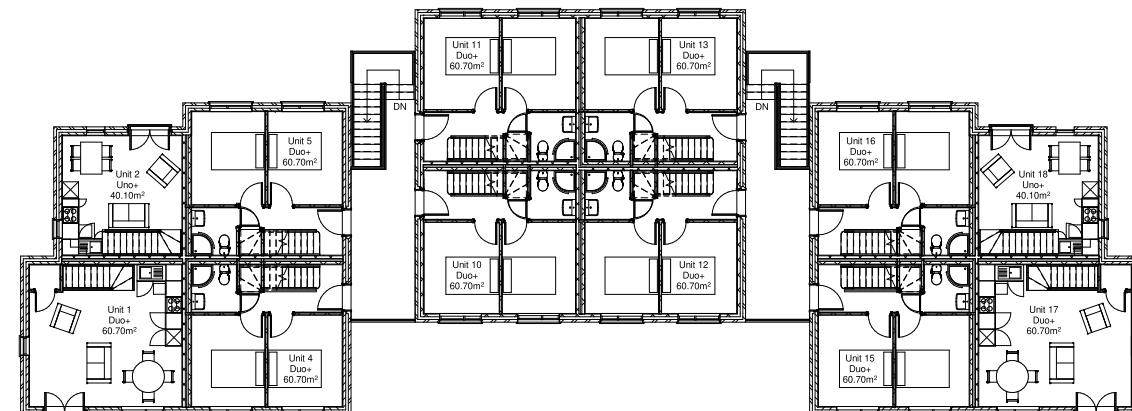
A	Layout updated.	15.07.21
B	Layout updated.	29.07.21
C	Turning area adjusted.	02.08.21
D	Red line boundary and bin stores updated.	10.08.21
Rev	Description	Date

Square One Prestwich Heys Road, Bury, Prestwich		
Proposed Site Plan Rendered		
DRAWING NUMBER		
3889	ABW-	DR-A-A102
DATE 06/30/21	REVISION D	STATUS
SCALE 1 : 200	PURPOSE OF ISSUE	
ABW architects Ltd. architecture building workshop		A1 ©

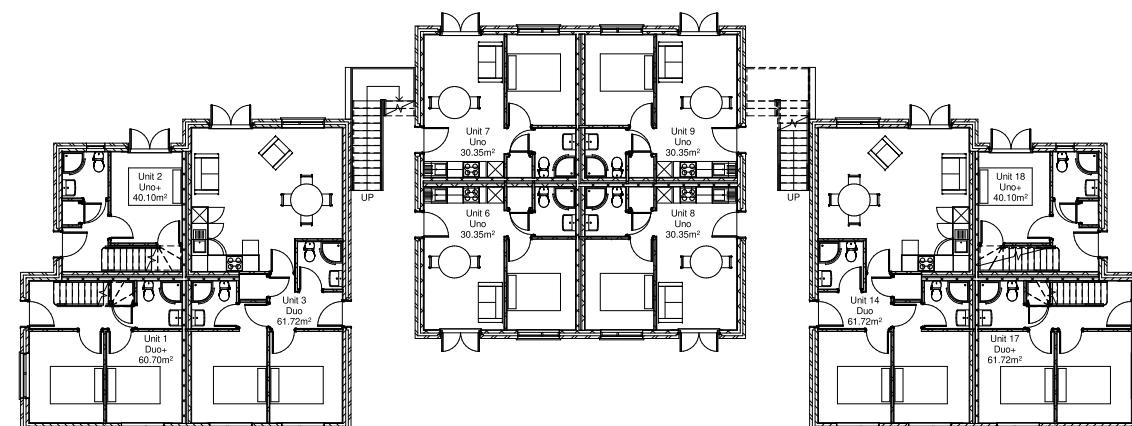
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3 Proposed Second Floor Plan
1 : 100



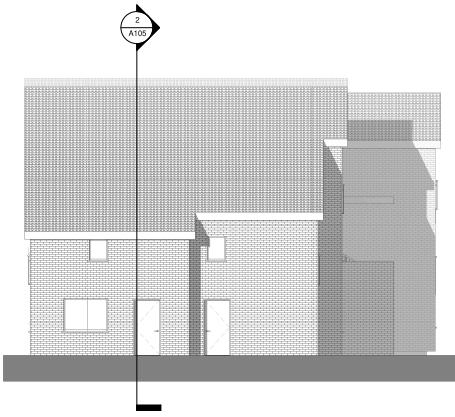
2 Proposed First Floor Plan
1 : 100



1 Proposed Ground Floor Plan
1 : 100

A	Block sizes increased; area updated; communal staircase changed.	08.07.21
B	Alteration to front windows in unit 1, 17	15.07.21
Rev	Description	Date
Square One Prestwich Heys Road, Bury, Prestwich		
Proposed Internal Unit Floor Plans		
DRAWING NUMBER		
3889	ABW-	DR-A-A103
DATE	REVISION	STATUS
06/23/21		
SCALE		
1 : 100	B	PURPOSE OF ISSUE
ABW architects Ltd. architecture building workshop		A1
©		15/07/2021 13:19:49

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1 Proposed East Elevation

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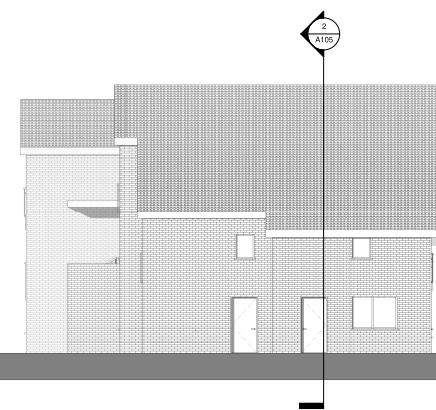
2 Proposed North Elevation

1 : 100



4 Proposed South Elevation

1 : 100



3 Proposed West Elevation

1 : 100

EXTERNAL FINISHES

Roof:	Concrete inter-locking tiles
Walls:	Facing brickwork (mixture of red/brown and brown/buff)
Windows:	uPVC (mid grey)
Front doors:	Pre-finished / painted composite timber
Balustrades:	Pre-finished / painted metal
Fascias and soffits:	uPVC (mid/dark grey)
Gutters and downpipes:	(mid/dark grey)

A Communal staircase flight updated; roof pitch above stairs flattened. 08.07.21

B Paler brickwork strip added; windows updated; block positions shifted. 15.07.21

C Brickwork updated; Juliet balconies. 29.07.21

D Juliet balconies updated. 04.08.21

E External finishes list added. 10.08.21

Rev Description Date

Square One Prestwich
Heys Road,
Bury,
Prestwich

Proposed Elevations

DRAWING NUMBER 3889 ABW- DR-A-A104

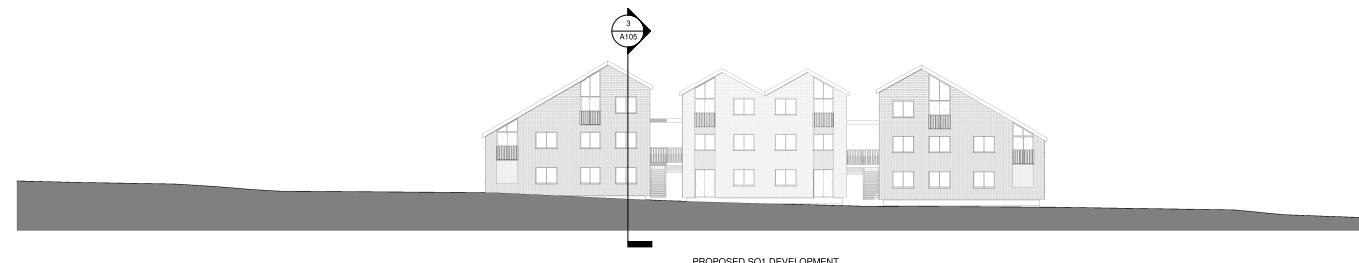
DATE 06/23/21 REVISION E STATUS

SCALE 1:100 PURPOSE OF ISSUE

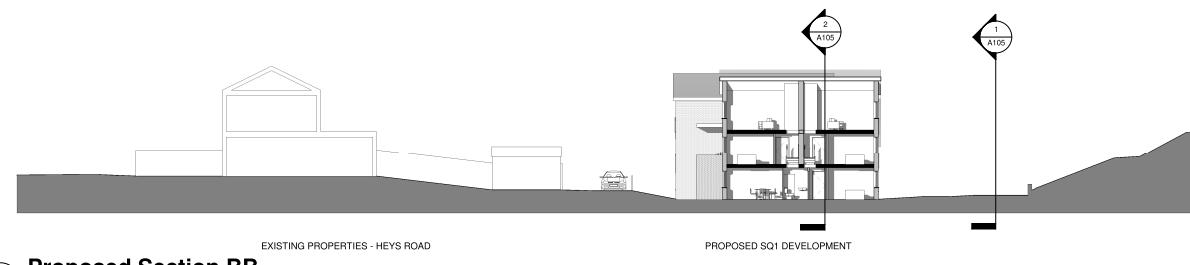
ABW architects Ltd.
architecture building workshop

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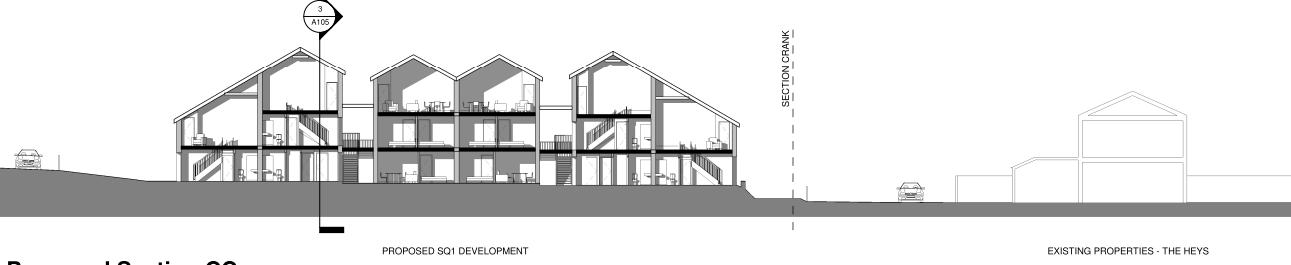
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1 Proposed Section AA
1 : 200



3 Proposed Section BB
1 : 200



2 Proposed Section CC
1 : 200

A	Block positioning updated.	15.07.21
B	Brickwork to the elevation updated.	29.07.21
C	Juliet balconies updated.	04.08.21
D	Labelling updated.	10.08.21
Rev	Description	Date

Square One Prestwich
Heys Road,
Bury,
Prestwich

Proposed Site Sections

DRAWING NUMBER		DR-A-A105
3889	ABW-	DR-A-A105
DATE	REVISION	STATUS
06/23/21		
SCALE		
1 : 200		
PURPOSE OF ISSUE		
ABW architects Ltd.		A1
architecture building workshop		©

Applicant: Watson Homes / Irwell Valley Housing Association

Location: Land at Morris Street, Radcliffe, Manchester, M26 2HF

Proposal: Variation of conditions 2 (approved plans) and 4 (materials) to allow construction of retaining wall to the frontage of plots H1-H14 including associated steps / railings to comply with condition 16 relating to site levels; Reduction in height of eaves and ridge of proposed dwellings, addition of canopies to main entrances; Removal of condition 3 (affordable housing) which will be replaced by a legal agreement

Application Ref: 67546/Full

Target Date: 10/11/2021

Recommendation: Minded to Approve

It is recommended that this application is Minded to Approve subject to the signing and completion of a Section 106 agreement for affordable housing in accordance with Policy H4/1 of the UDP and SPD5. If the agreement is not signed within a reasonable timeframe, then delegated authority is sought by the Development Manager to determine the application.

Description

Prior to the commencement of the flood defence works, the site consisted of open brownfield land to the south of Morris Street. As part of the flood defence works, an earth bund and a wall have been constructed on the perimeter of the site by the Environment Agency. The site was last used as a compound for the construction of the Radcliffe and Redvales flood defence scheme and the site was vacated in late summer 2021.

There are residential properties to the north, east and west of the site and the River Irwell is located to the south.

Planning consent (65015) was granted for the erection of 25 dwellings, which would be a mix of semi-detached and detached properties. The proposed dwellings would be two storeys in height and would be constructed from brick with grey concrete tiles. The proposed dwellings would be constructed behind the recently constructed flood defence by the Environment Agency. Access would be taken from Morris Street.

The proposed development involves the variation of conditions 2 (approved plans) and 4 (materials) and the removal of condition 3 (affordable housing). The changes involve the:

- Construction of a retaining wall from a retaining wall block/brick to the frontage of plots H1 - H14 including associated steps and railings to ensure compliance with condition 16 of permission 65015.
- Reduction in height of eaves and ridge of proposed dwellings
- Addition of canopies to main entrances of dwellings

The applicant seeks approval for the removal of condition 3, which ensured that the units remain as affordable housing. This condition does not include an exclusion for a mortgagee, which is causing problems in raising funds for future developments by the applicant on other sites. It is proposed that the condition is replaced by a legal agreement, which would secure the units as affordable units and would allow the exceptions sought by the applicant.

A condition discharge application has been made to discharge the pre-commencement conditions on application 65015.

The removal of the conditions/variations of conditions permits only a consideration of those conditions and the issues involved specifically in those, not a revisit of the development principles or other non-related issues.

Relevant Planning History

55583 - Erection of 14 no. three-storey dwellings with raised gardens, including extension to Morris Street and associated pedestrian footpaths at land off Morris Street, Radcliffe. Approved with conditions - 30 September 2013.

63559 - A series of sheet piled walls and embankments, on land within Close Park and land to the south of Morris Street, which form part of a wider scheme to improve flood protection along the River Irwell at land to south of Morris Street & land within Close Park, Radcliffe. Approved with conditions - 28 March 2019.

64801 - Redesign of the previously approved flood defence bund to provide sheet piled wall and bund at land at Morris Street, Radcliffe. Withdrawn - 22 July 2000.

65015 - Construction of 25 no. dwellings with associated access, landscaping and ancillary works at land at Morris Street, Radcliffe. Approved with conditions - 23 March 2021.

65020 - Retention of a construction compound, consisting of site cabins, cycle store and car parking, until completion of flood defence works in June 2021 at land to south of Morris Street, Radcliffe. Approved with conditions - 11 February 2020.

Publicity

The neighbouring properties were notified by means of a letter on 29 September 2021 and a press notice was published in the Bury Times on 7 October 2021. Site notices were posted on 5 October 2021.

3 letters have been received from the occupiers of 12 Morris Street, 35 Dumers Chase and 190 Dumers Lane, which have raised the following issues:

- Why are these houses blocking the light in to my kitchen/dining room (1 metre from the boundary). I have been told there is nothing I can do.
- The boundary line appears to be on my property
- I am told there is a window in my kitchen/dining room - it is a door
- I object to the decision to make this affordable housing only as it will devalue the surrounding properties and create issues.
- Where would the steps and retaining wall be built?
- The houses will blockout daylight to our house
- The entry to the site is not adequate to carry more traffic.
- There is a notice banning building of any sort on this land and can only be used for recreational purposes, this being inserted into the covenant of the land when used and owned by the Co-op Funeral Co., who used the land as a bowling green and a tennis court for employees private use.
- All the trees and secure fencing around the outside of the land has been ripped down already by bulldozers.

The neighbouring properties were notified of revised plans by means of a letter on 21 October 2021.

There has been no further response.

Statutory/Non-Statutory Consultations

Traffic Section - Comments awaited and will be reported in the Supplementary Report.

Drainage Section - No response

Environmental Health - Contaminated Land - No objections

Waste Management - No response.

Environment Agency - No objections, subject to the inclusion of the conditions recommended as part of the previous application.

GM Ecology Unit - No objections.

Design for security - No response.
United Utilities - No response.
The Coal Authority - No objections

Pre-start Conditions - Awaiting confirmation from the agent that pre-commencement conditions are acceptable.

Unitary Development Plan and Policies

EC2/1	Employment Generating Areas
H1/2	Further Housing Development
H2/1	The Form of New Residential Development
H2/2	The Layout of New Residential Development
H4/1	Affordable Housing
EN1/1	Visual Amenity
EN1/2	Townscape and Built Design
EN1/3	Landscaping Provision
EN5/1	New Development and Flood Risk
EN6	Conservation of the Natural Environment
EN6/3	Features of Ecological Value
EN7	Pollution Control
EN7/1	Atmospheric Pollution
EN7/2	Noise Pollution
EN7/5	Waste Water Management
OL5/3	Riverside and Canalside Development in Urban Areas
RT1/1	Protection of Recreation Provision in the Urban Area
RT2/2	Recreation Provision in New Housing Development
HT2/4	Car Parking and New Development
HT5/1	Access For Those with Special Needs
HT6/2	Pedestrian/Vehicular Conflict
SPD1	Open Space, Sport and Recreation Provision
SPD5	DC Policy Guidance Note 5: Affordable Housing
SPD6	Supplementary Planning Document 6: Alterations & Extensions
SPD11	Parking Standards in Bury
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Principle - Residential - The principle of residential development was established with the grant of planning consent in March 2021. Therefore, the proposed development would be in accordance with Policy H1/2 of the Bury Unitary Development Plan and the NPPF.

Design and layout - The proposed addition of canopies above the front door to all plots are minor additions that would enhance and add visual interest to the elevations and would be acceptable.

The proposed development involves the provision of a retaining wall at the front of plots 1 - 14. For plots 1 - 9, the proposed retaining wall would be between 2 metres and 1.3 metres. For plots 10 - 14, the proposed retaining wall would be between 1.9 and 1.6 metres in height.

The proposed retaining wall would be constructed from a retaining wall block/brick with 1.2

metre railings above. The proposed block would blend with the existing and proposed dwellings in the locality and would be acceptable. A ramped access would be provided, which would ensure access for all.

The proposed reduction in the eaves and ridge height of the proposed dwellings would ensure that the proposed dwellings would only be 0.5 metres higher than the adjacent existing dwellings. Given this minor change, the proposed development would not be a prominent feature in the streetscene. Therefore, the proposed development would be in accordance with Policies H2/1, H2/2 and EN1/2 of the Bury Unitary Development Plan.

Impact upon residential amenity - SPD6 provides guidance on aspect standards between residential properties and as such, would be relevant in this case. The aspect standards states that there should be a minimum of 20 metres between directly facing habitable windows and 13 metres between a habitable room window and a two storey blank wall.

There would be at least 20.2 metres between plots 1 - 9 and the properties fronting onto Dumers Chase. There would be between 20 and 22 metres between plots 19 - 25 and the properties fronting onto Dumers Lane. Both of these would be in excess of the 20 metre aspect standard.

There would be 15 metres between plot 25 and the rear of the properties fronting onto Morris Street, which would be in excess of the 13 metre aspect standard required.

There is a window in the gable of No. 12 Morris Street. This window would relate to the kitchen area of the kitchen/dining room and there is a glazed door, which relates to the dining room area. As such, the glazed door to the dining room area would be the habitable room opening and this would back onto the access road. The kitchen window would not be classed as habitable room window and the guidance in SPD6 is clear that less weight will be afforded to habitable room windows located on side elevations. As such, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring property.

Therefore, the proposed development would not have a significant adverse impact upon the amenity of the neighbouring properties and would be in accordance with Policy H2/2 and SPD6.

Other issues - The proposed changes would not impact upon issues related to contaminated land, ecology, air quality, flood risk, highways or parking issues.

Removal of condition - affordable housing - The proposed development involves the removal of condition 3, which states:

The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.

Reason. The proposed development has been granted given the particular circumstances of the applicant following a funding package from Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to satisfying the need for affordable housing provision.

The condition does not include any exemptions for the mortgagee and does not allow an occupier to exercise the 'right to buy' in due course. As such, it is proposed to delete this condition and replace it with a legal agreement, which would secure the units as affordable

units and would allow the exceptions sought by the applicant, should the situation arise.

Therefore, the proposed development would secure the dwellings as affordable units and would be in accordance with Policy H4/1 of the Bury Unitary Development Plan.

Response to objectors

- The issues relating to loss of privacy and light have been addressed in the main report.
- The impact upon property prices is not a material planning consideration and cannot be taken into account.
- The steps and retaining wall would be constructed to the front of plots 1 - 14.
- There is an extant planning consent in place for 25 dwellings, which can be implemented. The proposed amendments would not generate any additional traffic when compared to the approved scheme.
- The impact upon a covenant is not a material planning consideration and cannot be taken into account.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Minded to Approve

Conditions/ Reasons

1. The development must be begun not later than three years beginning with the date of this permission.

Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.

2. This decision relates to drawings numbered LP1902-3-001 X, LP1902-3-003, LP1902-3-006 J, LP1902-3-200, LP1902-3-300 - Sheet 1, LP1902-3-300 - Sheet 2, LP1902-3-301 - Sheet 1, LP1902-3-301 - Sheet 2, LP1902-3-302, LP1902-3-304 - Sheet 1, LP1902-3-305, LP1902-3-400, LP1902-3-410, LP1902-3-412 and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

3. The development hereby approved shall only be developed by or on behalf of the applicant as an affordable housing scheme and each and every residential dwelling constructed as part of the scheme shall subsequently be occupied only and at all times as affordable housing, as defined in Supplementary Planning Document 5 - Affordable Housing Provision in New Residential Developments.

Reason - The proposed development has been granted given the particular circumstances of the applicant following a funding package from the Homes England which provides an opportunity to promote increased affordable housing, but as a result a recreational contribution pursuant to Supplementary Planning Document 1 (Open Space, Sport and Recreation Provision in New Housing Development) will not be provided. This condition is thereby to ensure that in order to make the development acceptable in planning terms, as a result of not making a recreational contribution the whole development shall instead contribute to

satisfying the need for affordable housing provision.

4. Details/Samples of the (materials/bricks) to be used in the external elevations, together with details of their manufacturer, type/colour and size, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Only the approved materials/bricks shall be used for the construction of the development.

Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/1 Visual Amenity.

5. No development shall commence unless and until:-

- A contaminated land Preliminary Risk Assessment report to assess the actual/potential contamination and/or ground gas/landfill gas risks at the site shall be submitted to, and approved in writing by, the Local Planning Authority;
- Where actual/potential contamination and/or ground gas/landfill gas risks have been identified, detailed site investigation and suitable risk assessment shall be submitted to, and approved in writing by the Local Planning Authority;
- Where remediation/protection measures is/are required, a detailed Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority.

Reason. The scheme does not provide full details of the actual contamination and subsequent remediation, which is required to secure the satisfactory development of the site in terms of human health, controlled waters, ground gas and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

6. Following the provisions of Condition 5 of this planning permission, where remediation is required, the approved Remediation Strategy must be carried out to the satisfaction of the Local Planning Authority within agreed timescales; and A Site Verification Report detailing the actions taken and conclusions at each stage of the remediation works, including substantiating evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use.

Reason. To secure the satisfactory development of the site in terms of human health, controlled waters and the wider environment and pursuant to National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

7. Prior to the commencement of the development hereby approved (excluding site clearance, demolition, or works relating to site investigation, remediation or ground works), a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the building hereby approved.

Reason. In accordance with paragraph 35 and 124 of the NPPF, to encourage the uptake of ultra-low emission vehicles and ensure the development is sustainable. To safeguard residential amenity, public health and quality of life.

8. The development hereby approved shall be carried out in accordance with the reasonable avoidance measures method statement approved as part of condition 11 of permission 65015.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

9. No works to trees or shrubs shall occur between the 1st March and 31st August in

any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

10. The development hereby approved shall be carried out in accordance with the scheme for the eradication of Japanese Knotweed (*Fallonica Japonica*, Rouse Decraene, *Polygonum Cuspidatum*) and Himalayan Balsam (*Impatiens Glandulifera*), Giant Hogweed and Monbretia approved as part of condition 12 of permission 65015.

Reason. To ensure the eradication of an invasive species in the interest of UDP Policy EN9 - Landscape and pursuant to National Planning Policy Framework Section 11 - Conserving and enhancing the natural environment.

11. The development hereby approved shall be carried out in accordance with the method statement to protect the River Irwell approved as part of condition 13 of permission 65015.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

12. No development shall take place until details to show that the proposed development would not impact negatively upon the ecological potential of the River Irwell resulting from the disposal of foul water and surface water post-development has been submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason. In order to ensure that no harm is caused to a Protected Species pursuant to policies EN6 - Conservation of the Natural Environment and EN6/3 - Features of Ecological Value of the Bury Unitary Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

13. A landscaping scheme shall be submitted to, and approved by the Local Planning Authority prior to the commencement of the development. The contents of the plan should include native tree and shrub planting and the provision of bat bricks/tubes within the new development and bat and bird boxes. The scheme shall avoid trees or shrubs within 5 metres of the landward toe of the existing flood defences. The approved scheme shall thereafter be implemented not later than 12 months from the date the building(s) is first occupied or within the first available tree planting season; and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted.

Reason. To secure the satisfactory development of the site and in the interests of visual amenity pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.

14. No development approved by this permission shall be commenced until details of the finished floor levels and external levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved details.

Reason. To ensure the structural integrity of the flood defences, thereby reducing risk from flooding and to reduce the risk of flooding to the proposed development and future users pursuant to Policy EN5/1 - New Development and Flood Risk of the Bury Unitary Development Plan and the NPPF.

15. The development hereby approved shall be carried out in accordance with the landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), approved as part of condition 17 of permission 65015. The landscape and ecological management plan shall be implemented prior to first occupation of the dwellings hereby approved.
Reason. To secure the satisfactory development of the site in the interests of visual amenity and to ensure the protection of wildlife and supporting habitat pursuant to Policies H2/2 - The Layout of New Residential Development, EN1/2 - Townscape and Built Design, EN6/3 - Features of Ecological Value and EN8/2 - Woodland and Tree Planting of the Bury Unitary Development Plan and chapter 15 - Conserving and enhancing the natural environment of the NPPF.
16. Notwithstanding the details indicated on the approved plans, no development shall commence unless and until full details of the following have been submitted on a topographical based survey of the site and adjacent adopted highways to the Local Planning Authority:
 - Dilapidation survey of the footways and carriageways leading to and abutting the site in the event that subsequent remedial works are required following construction of the development;
 - Formation of the replacement turning facility on Morris Street and proposed site access to a scope and specification to be agreed, incorporating the provision of footway widths consistent with those in Morris Street, revised footway arrangements at the south west corner of the turning head to provide a minimum width of 1.8m, limits of adoption to an agreed position on the side arm of the turning head, demarcation of the limits the adopted highway, reconstruction of the existing concrete carriageway, provision of adequate arrangements at the interface with the adopted highway to form a maximum 1 in 20 plateau, tactile paved crossing point across the proposed site access/side arm of the turning head at a position to be agreed, give-way markings, and all associated highway and highway drainage works;
 - Formation of the proposed driveway dropped crossings onto Morris Street and reconstruction of both footways to a scope and specification to be agreed;
 - Measures to prevent the discharge of surface water onto the adopted highway from the proposed private estate road;
 - Provision of a street lighting assessment to a scope and specification to be agreed and subsequent scheme of improvements for the junction of the Morris Street with Dumers Lane, Morris Street between this junction and the site access, junction of the site access with Morris Street and the proposed estate road;
 - Provision of visibility splays and forward visibility envelopes appropriate for a design speed of 20mph at the junction of the site access with Morris Street and bend in accordance with the standards in Manual for Streets with no obstructions above the height of 0.6m within them.

The details subsequently approved shall be implemented to an agreed phasing plan of both the highway works and housing element of the development and to the written satisfaction of the Local Planning Authority.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development
Policy H2/2 - The Layout of New Housing Development

17. Plots 3 - 9 of the proposed development shall not be commenced unless and until the required stopping-up order has been secured and replacement turning facility on Morris Street has been implemented to an agreed specification and stage of construction, with the facility fully implemented prior to first occupation of the development.

Reason. To secure the satisfactory development of the site in terms of highway safety, ensure good highway design, ensure the intervisibility of the users of the site and the adjacent highways and maintain the integrity of the adopted highway, all in the interests of highway safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

18. No development shall commence unless and until a 'Construction Traffic Management Plan' (CTMP), has been submitted to and approved by the Local Planning Authority and shall confirm/provide the following:

- Access route for vehicles from the highway network;
- Access points to the site for each phase of the development, including any temporary works and measures required to protect highway users and facilitate vehicular access;
- Hours of operation and number of vehicle movements;
- Proposed site hoarding/gate positions clear of appropriate visibility splays onto Morris Street;
- A scheme of appropriate warning/speed limit signage in the vicinity of the construction site access(es);
- Arrangements for the turning and manoeuvring of vehicles within the curtilage of the site, including any requisite phasing of the development to accommodate this;
- Parking on site of operatives' and construction vehicles together with storage on site of construction materials, including any requisite phasing of the development to accommodate this;
- Measures to ensure that all mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance caused by the operations

The approved plan shall be adhered to throughout the demolition/construction period and the measures shall be retained and facilities used for the intended purpose for the duration of the demolition and construction periods. The areas identified shall not be used for any other purposes other than the turning/parking of vehicles and storage of demolition/construction materials.

Reason. Information not submitted at application stage. To mitigate the impact of the construction traffic generated by the proposed development on the adjacent residential streets, and ensure adequate off street car parking provision and materials storage arrangements for the duration of the construction period and that the adopted highways are kept free of deposited material from the ground works operations, in the interests of highway safety pursuant to Bury Unitary Development Plan Policies EN1/2 - Townscape and Built Design and HT6/2 - Pedestrian/Vehicular Conflict.

19. No development shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed estate road and street lighting within the development have been submitted to and approved by the Local Planning Authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance

details until such time as a private management and maintenance company has been established.

Reason. To ensure that the unadopted estate road serving the development is maintained to an acceptable standard in the interests of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

20. The vehicular/pedestrian access arrangements and turning facilities within the curtilage of the site indicated on the approved plans shall be provided before the development is first occupied and the areas used for the manoeuvring of vehicles shall subsequently be maintained free of obstruction at all times.

Reason. To minimise the standing and turning movements of vehicles on the highway in the interests of road safety pursuant to the following Policies of the Bury Unitary Development Plan:

Policy EN1/2 - Townscape and Built Design

Policy H2/1 - The Form of New Housing Development

Policy H2/2 - The Layout of New Housing Development

21. The car parking indicated on the approved plans, incorporating minimum hardstanding lengths of 5.0m and measures to prevent the discharge of surface water onto the adopted highway, shall be surfaced and made available for use prior to the development hereby approved being occupied and thereafter maintained at all times

Reason. To ensure adequate off street car parking provision in the interests of road safety pursuant to Policy HT2/4 - Car Parking and New Development of the Bury Unitary Development Plan.

22. Bin storage arrangements shall be provided within the curtilage of each dwelling in accordance with Waste Management's 'Guide to Refuse Collection Requirements & Storage Methods for New Developments'.

Reason. To ensure that adequate bin storage arrangements are provided within the curtilage of each dwelling pursuant to Policy EN1/2 - Townscape and Built Design of the Bury Unitary Development Plan.

23. No development shall commence unless and until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The scheme should be in accordance with the submitted Surface Water Sustainable Drainage Assessment and must be based on the hierarchy of drainage options in the National Planning Practice Guidance and be designed in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015). This must include assessment of potential SuDS options for surface water drainage with appropriate calculations and test results to support the chosen solution. Details of proposed maintenance arrangements should also be provided. The approved scheme only shall be implemented prior to first occupation and thereafter maintained.

Reason. The current application contains insufficient information regarding the proposed drainage scheme to fully assess the impact. To promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 - Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

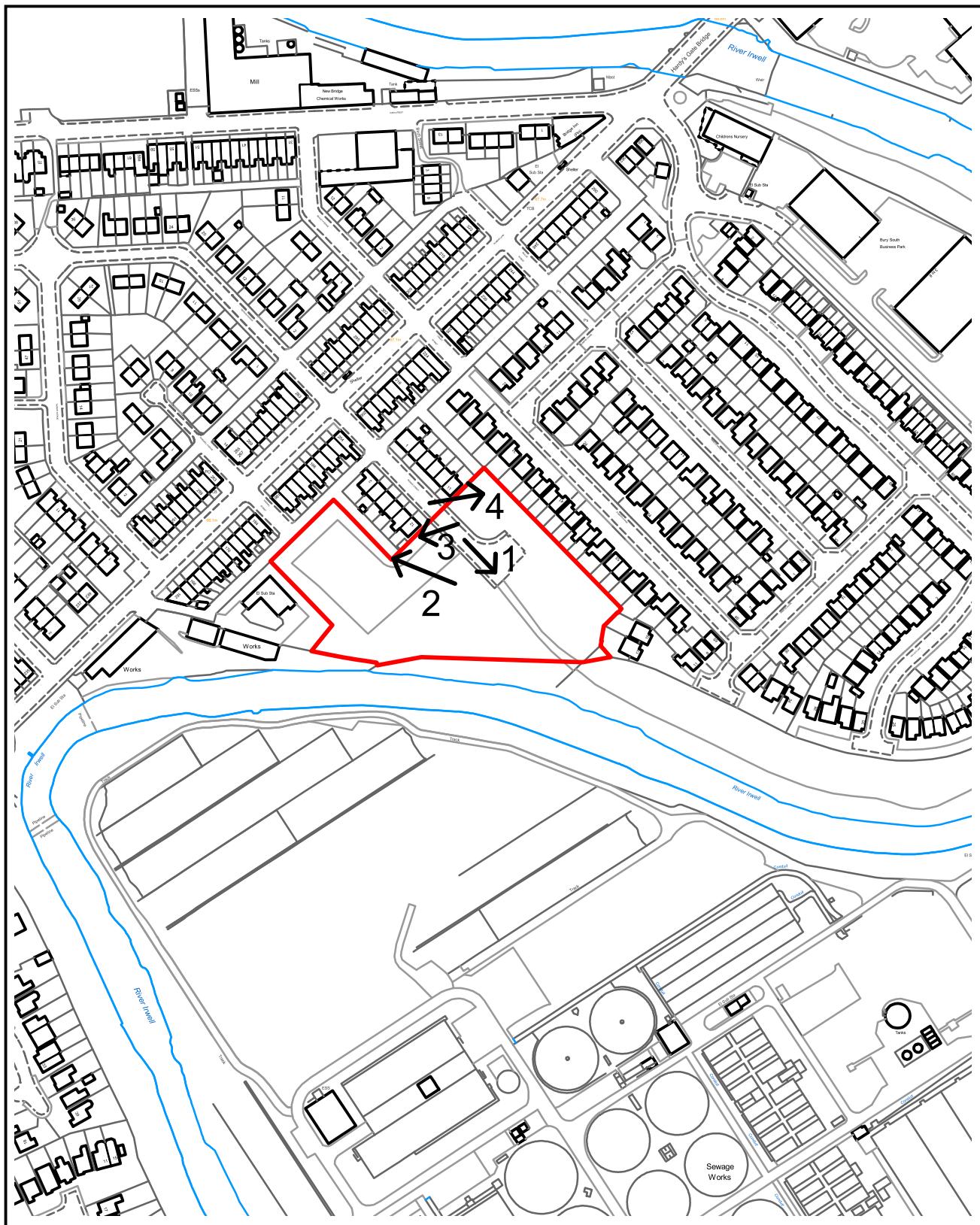
24. Foul and surface water shall be drained on separate systems.

Reason. To ensure a satisfactory scheme of drainage, to promote sustainable development and reduce flood risk pursuant to Unitary Development Plan Policies EN5/1- New Development and Flood Risk , EN7/3 - Water Pollution and EN7/5 -

Waste Water Management and chapter 14 - Meeting the challenge of climate change, flooding and coastal change of the NPPF.

For further information on the application please contact **Helen Leach** on **0161 253 5322**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 67546

ADDRESS: Land at Morris Street, Radcliffe



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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67546

Photo 1



Photo 2



67546

Photo 3



Photo 4



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21/07/2020
1/03/2021

A: North for plotting
S: Carpet orientation symbols



Planning Reference No. H1
Government of Jersey
Planning Department
Date:

Watson Homes Ltd / Ivel Valley HA

Project:

Morris Street, Radcliffe, Bury

Document No.:

Proposed Site Plan

Date:

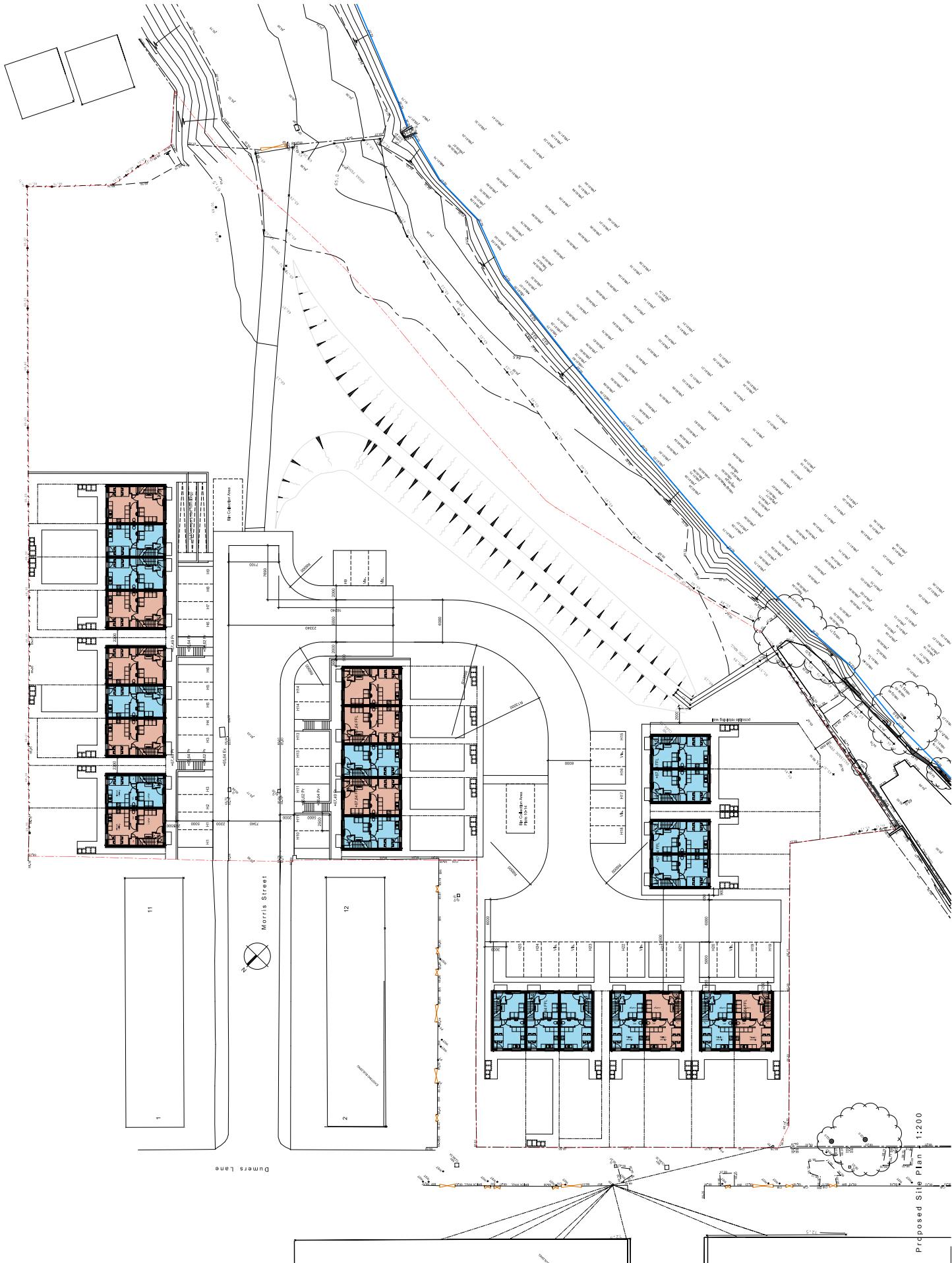
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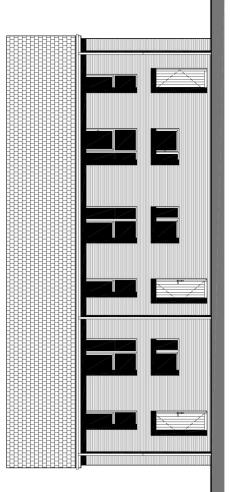
July 2021

Document No.:

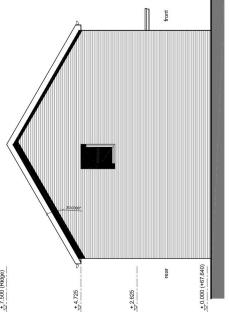
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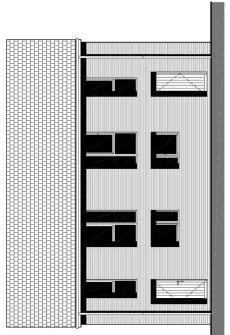




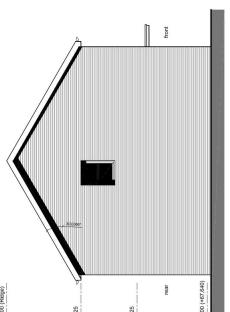
Rear Elevation



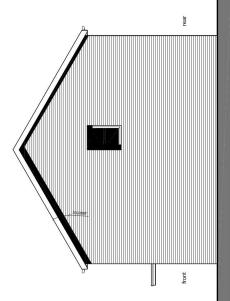
Side Elevation



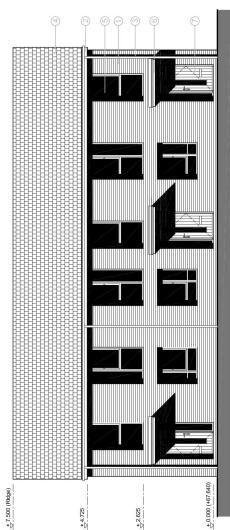
Rear Elevation



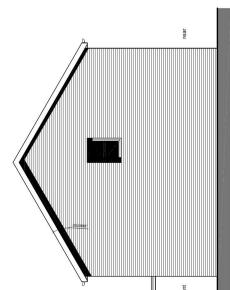
Side Elevation



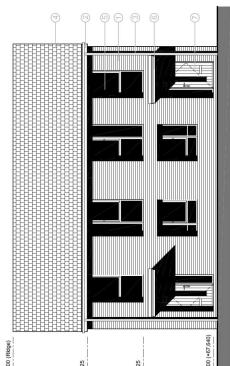
Side Elevation
Plot 5



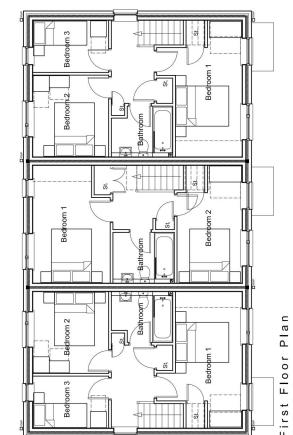
Front Elevation
Plot's 3-5



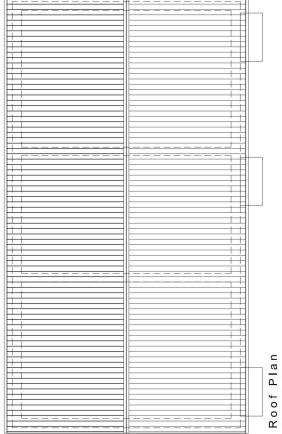
Side Elevation
Lots 2,20 & 22



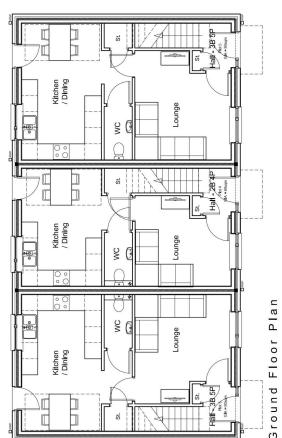
cont Elevation
Alt's 1-2 & 19-22



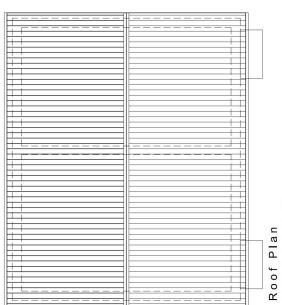
First Floor Plan



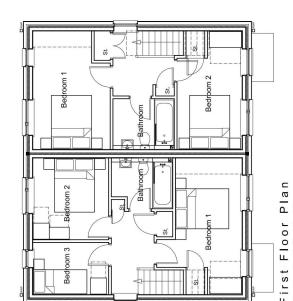
Roof Plan



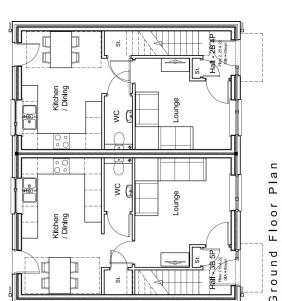
Ground Floor Plan



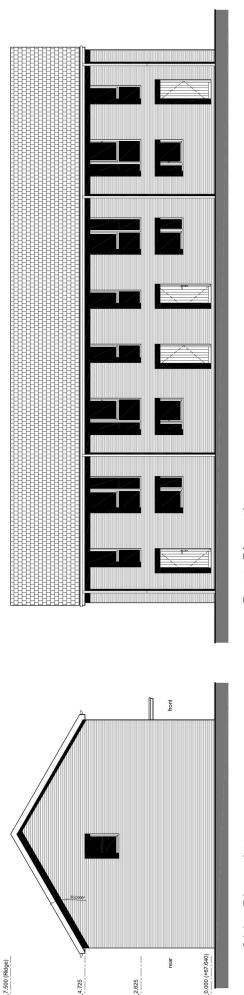
Roof Plan



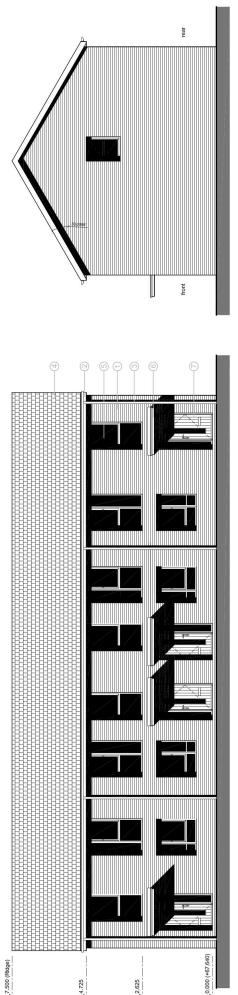
First Floor Plan



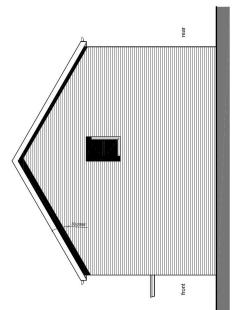
Ground Floor Plan



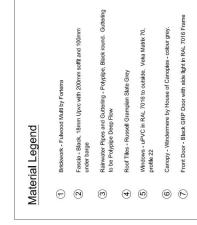
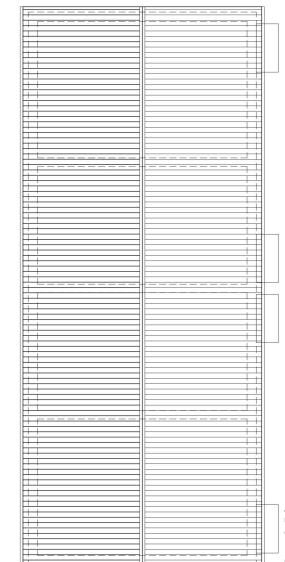
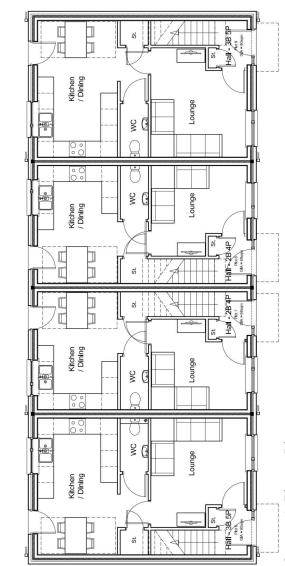
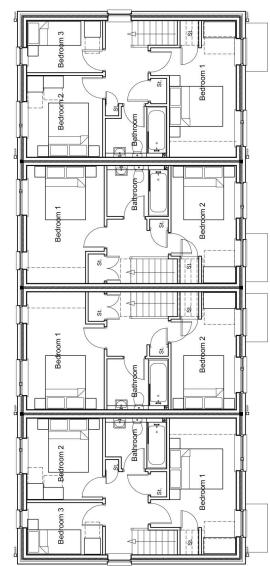
Rear Elevation
Plot 6 & 9

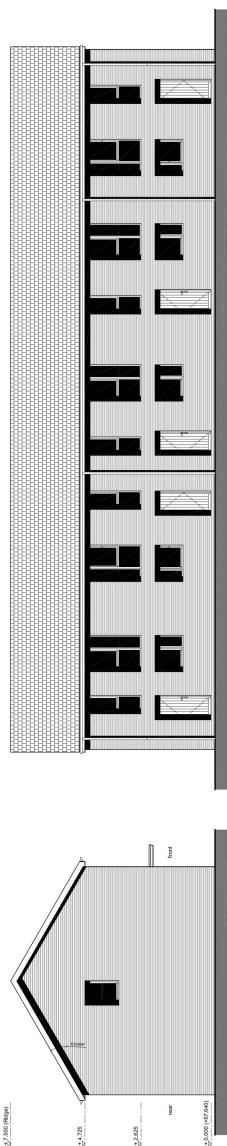


Front Elevation
Plots 6 & 9

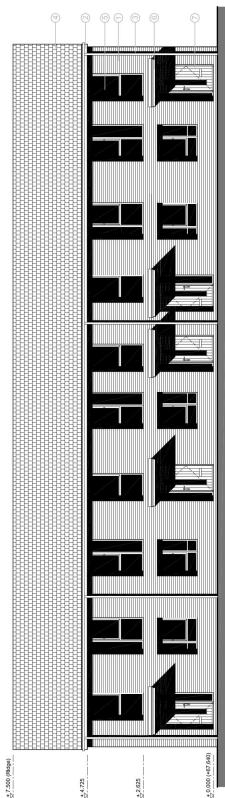


Side Elevation
Plot 9

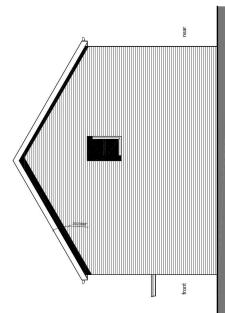




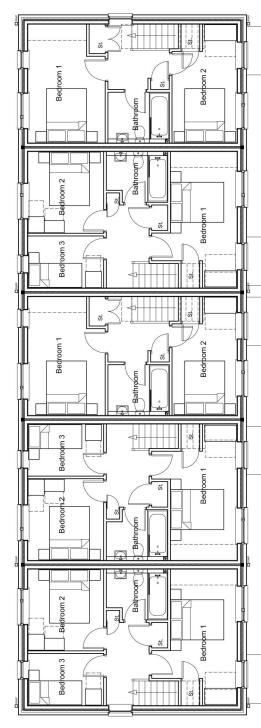
Rear Elevation
Plot # 10-14



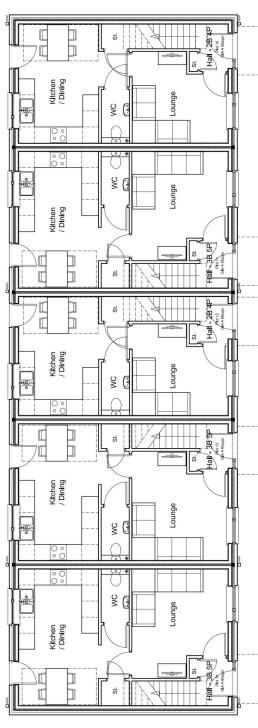
Front Elevation
Plots 6-8



Side Elevation
Plot 10



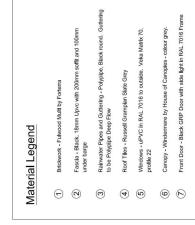
First Floor Plan



Ground Floor Plan



Roof Plan
Bldg. 1014



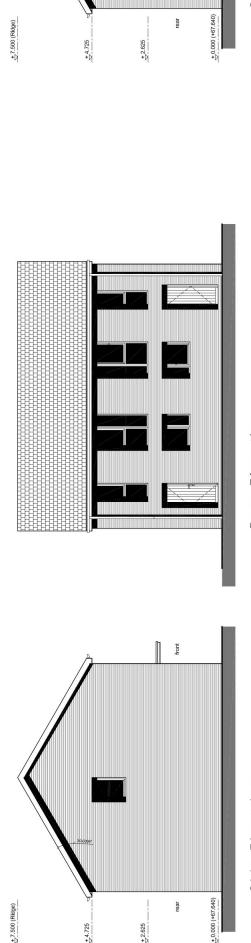
100

1. **Biosorbent** - A material made by processes
2. **Fungi** - Black, Brown or White with Spores and Spore
3. **Rainbow Pool and Guttering** - Polyethylene Block road.
4. **Roof Top - Round Gutterend Gutter Gutter**
5. **Widening** - In P.G. 10% to Gradient. **Width Gradient**
6. **Curvature** - Widths by thickness of Carapace - reduce Gradient
7. **Frome** - After the bridge across the River Frome.

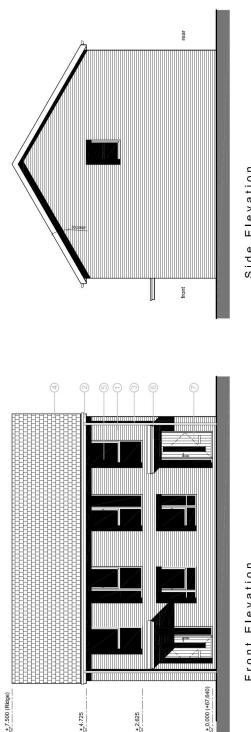
Grays
Architecture
Limited

Watson Homes Ltd / Inwell Valley HA
Morris Street, Radcliffe, Bury
Project

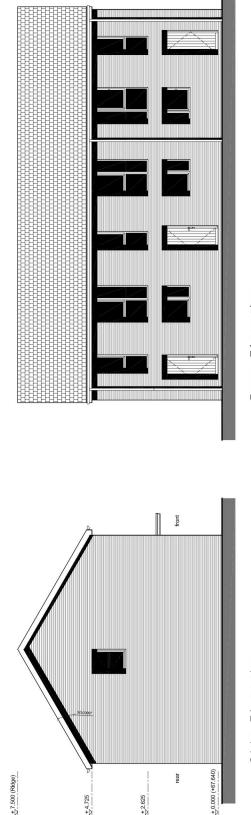
Proposed Plans and Elevations -	
Plots 10-14	
Date:	July 2021
Plot No.:	A
Plot Description:	1:100 @ A1
Plot Area (sq. m.):	4560/112



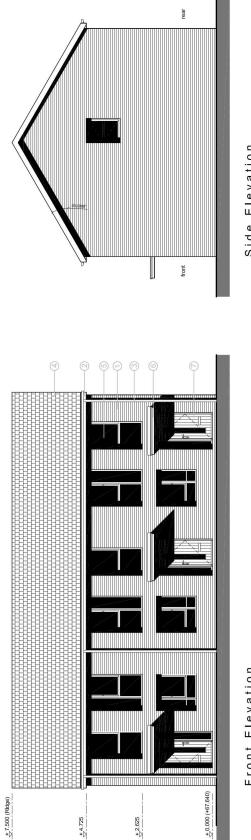
Side Elevation
Plot 5's 15-16



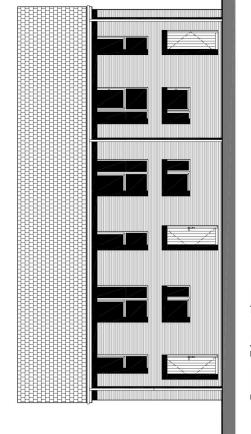
Side Elevation
Plot 5's 15-17



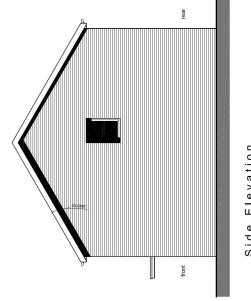
Side Elevation
Plot 5's 15-18



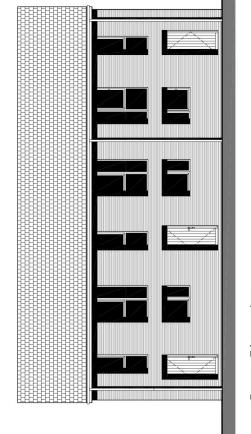
Side Elevation
Plot 5's 15-19



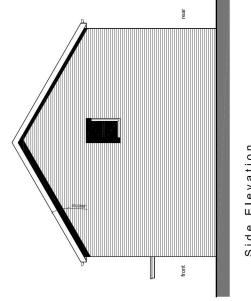
Rear Elevation
Plot 5's 15-25



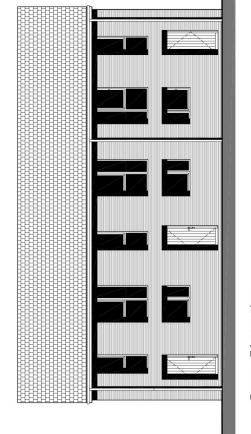
Rear Elevation
Plot 5's 15-25



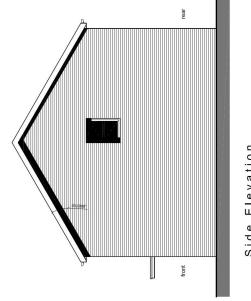
Side Elevation
Plot 5's 23-25



Side Elevation
Plot 5's 23-25



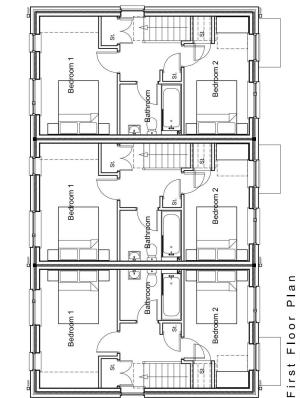
Front Elevation
Plot 5's 23-25



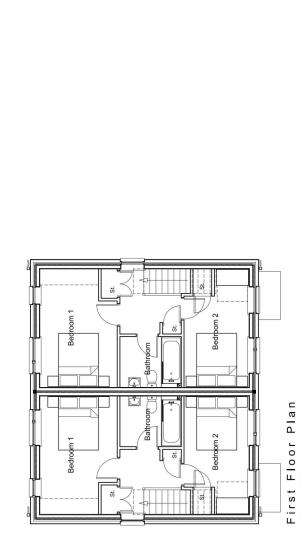
Front Elevation
Plot 5's 23-25



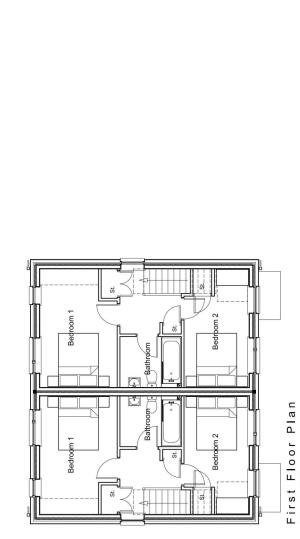
Plot 5's 15-25



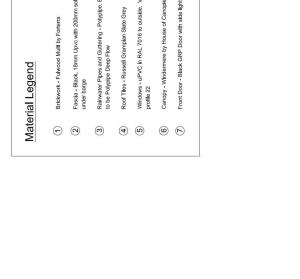
First Floor Plan
Plot 5's 15-16



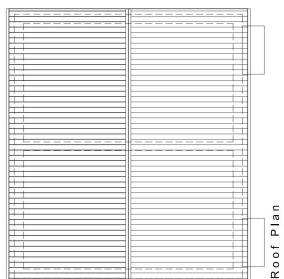
First Floor Plan
Plot 5's 15-17



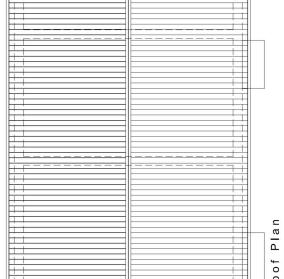
First Floor Plan
Plot 5's 15-18



First Floor Plan
Plot 5's 15-19



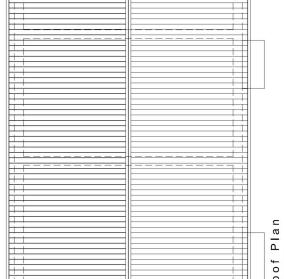
Roof Plan
Plot 5's 15-16



Roof Plan
Plot 5's 15-17



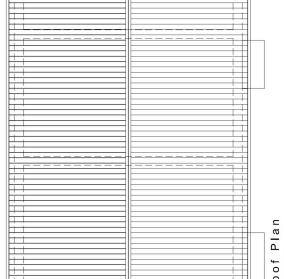
Roof Plan
Plot 5's 15-18



Roof Plan
Plot 5's 15-19



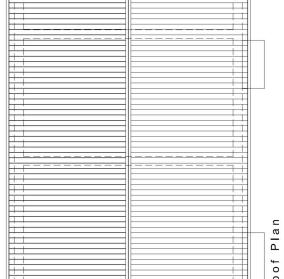
Roof Plan
Plot 5's 15-25



Ground Floor Plan
Plot 5's 15-16



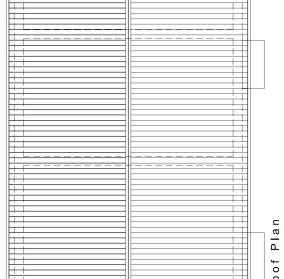
Ground Floor Plan
Plot 5's 15-17



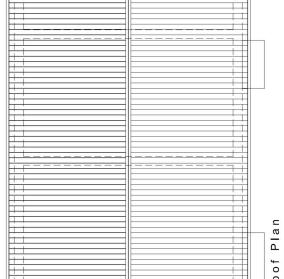
Ground Floor Plan
Plot 5's 15-18



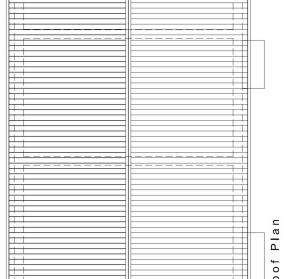
Ground Floor Plan
Plot 5's 15-19



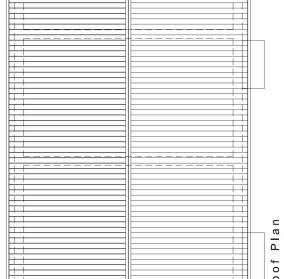
Ground Floor Plan
Plot 5's 15-25



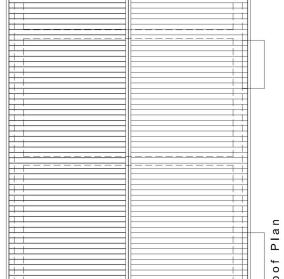
Ground Floor Plan
Plot 5's 15-25



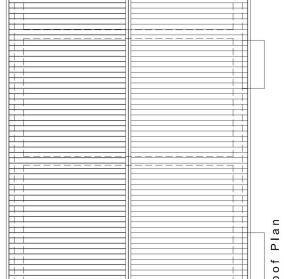
Ground Floor Plan
Plot 5's 15-25



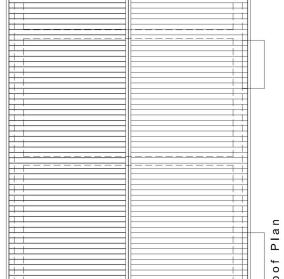
Ground Floor Plan
Plot 5's 15-25



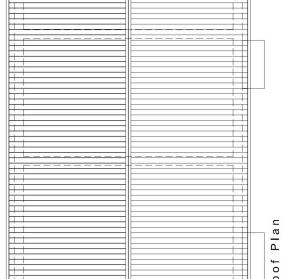
Ground Floor Plan
Plot 5's 15-25



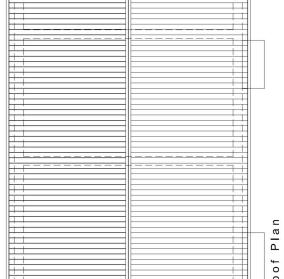
Ground Floor Plan
Plot 5's 15-25



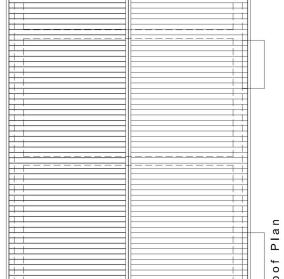
Ground Floor Plan
Plot 5's 15-25



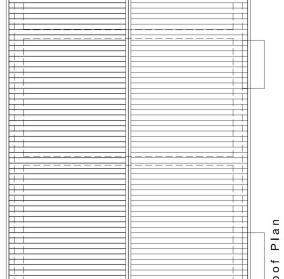
Ground Floor Plan
Plot 5's 15-25



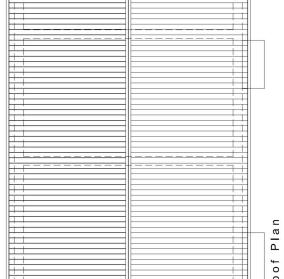
Ground Floor Plan
Plot 5's 15-25



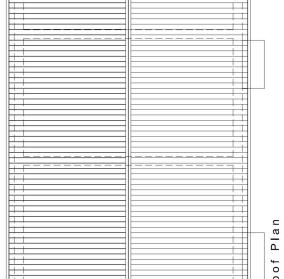
Ground Floor Plan
Plot 5's 15-25



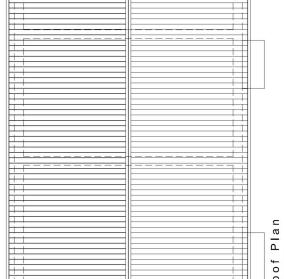
Ground Floor Plan
Plot 5's 15-25



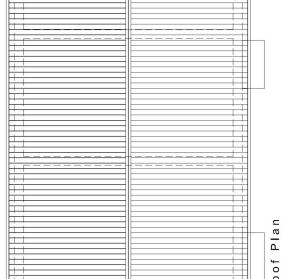
Ground Floor Plan
Plot 5's 15-25



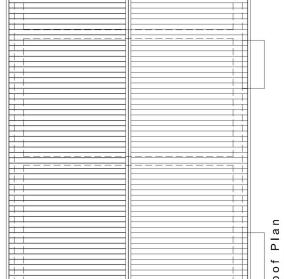
Ground Floor Plan
Plot 5's 15-25



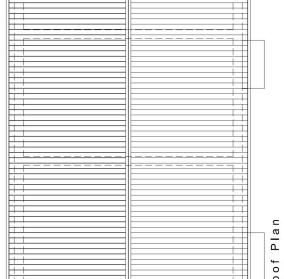
Ground Floor Plan
Plot 5's 15-25



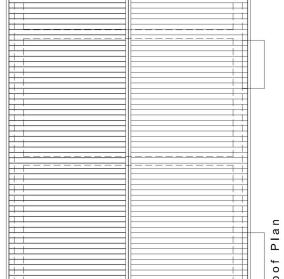
Ground Floor Plan
Plot 5's 15-25



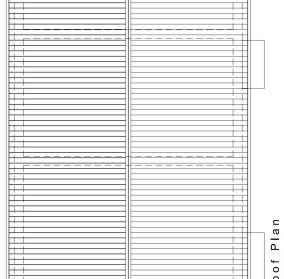
Ground Floor Plan
Plot 5's 15-25



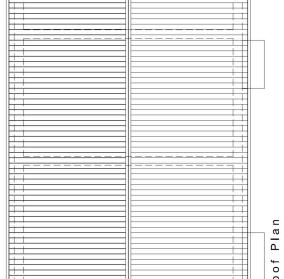
Ground Floor Plan
Plot 5's 15-25



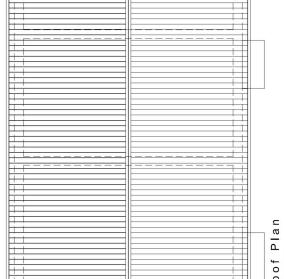
Ground Floor Plan
Plot 5's 15-25



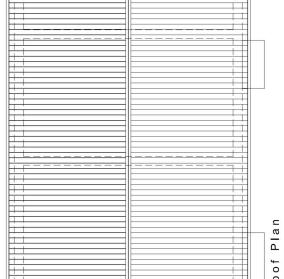
Ground Floor Plan
Plot 5's 15-25



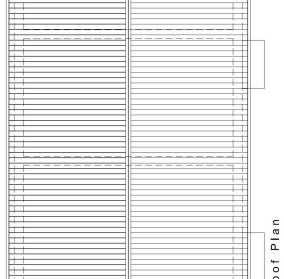
Ground Floor Plan
Plot 5's 15-25



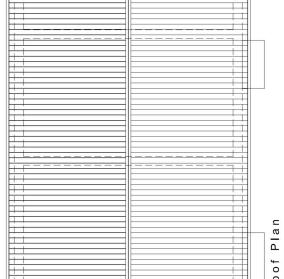
Ground Floor Plan
Plot 5's 15-25



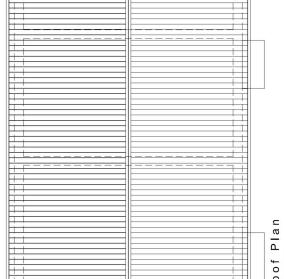
Ground Floor Plan
Plot 5's 15-25



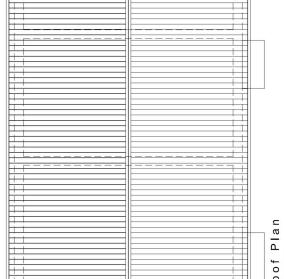
Ground Floor Plan
Plot 5's 15-25



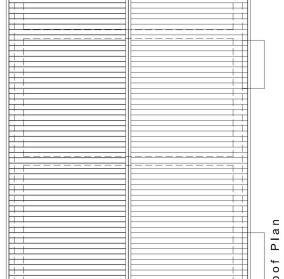
Ground Floor Plan
Plot 5's 15-25



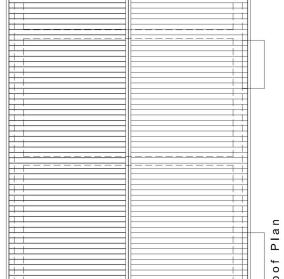
Ground Floor Plan
Plot 5's 15-25



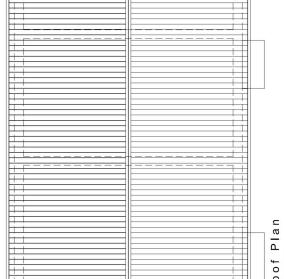
Ground Floor Plan
Plot 5's 15-25



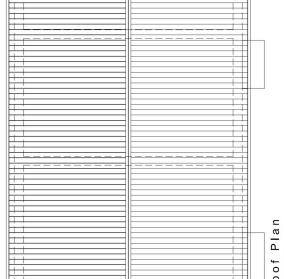
Ground Floor Plan
Plot 5's 15-25



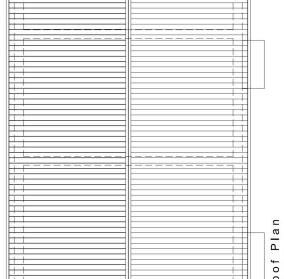
Ground Floor Plan
Plot 5's 15-25



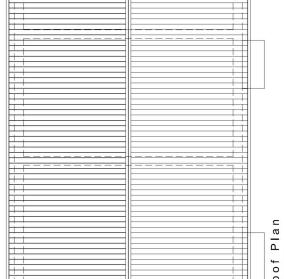
Ground Floor Plan
Plot 5's 15-25



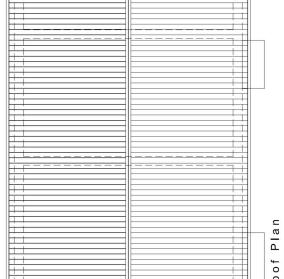
Ground Floor Plan
Plot 5's 15-25



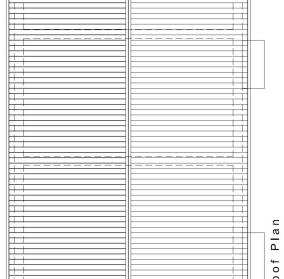
Ground Floor Plan
Plot 5's 15-25



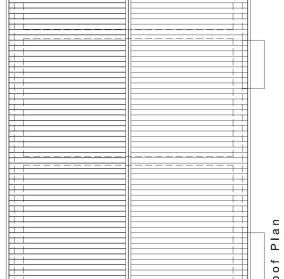
Ground Floor Plan
Plot 5's 15-25



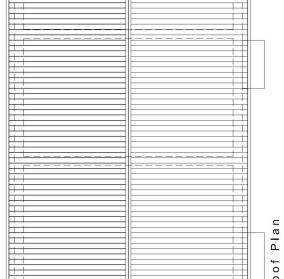
Ground Floor Plan
Plot 5's 15-25



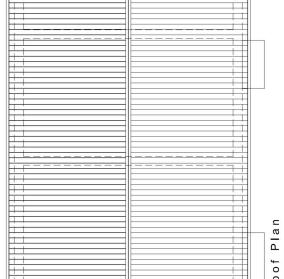
Ground Floor Plan
Plot 5's 15-25



Ground Floor Plan
Plot 5's 15-25



Ground Floor Plan
Plot 5's 15-25



Ground Floor Plan<br



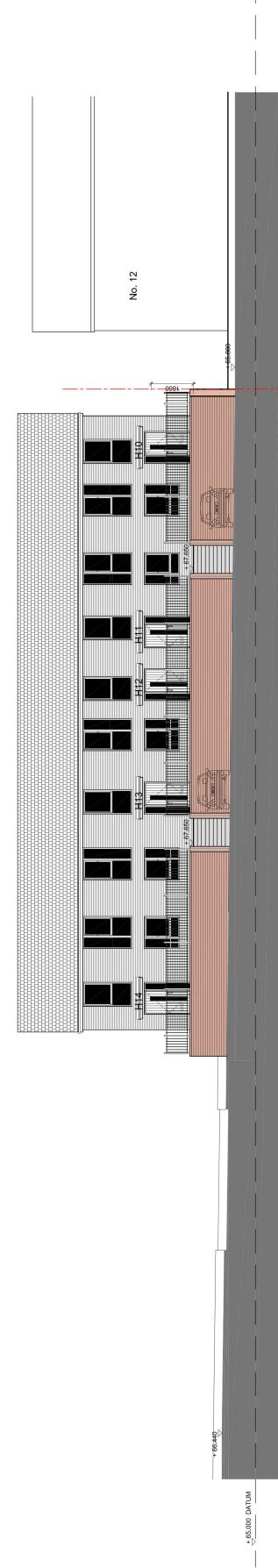
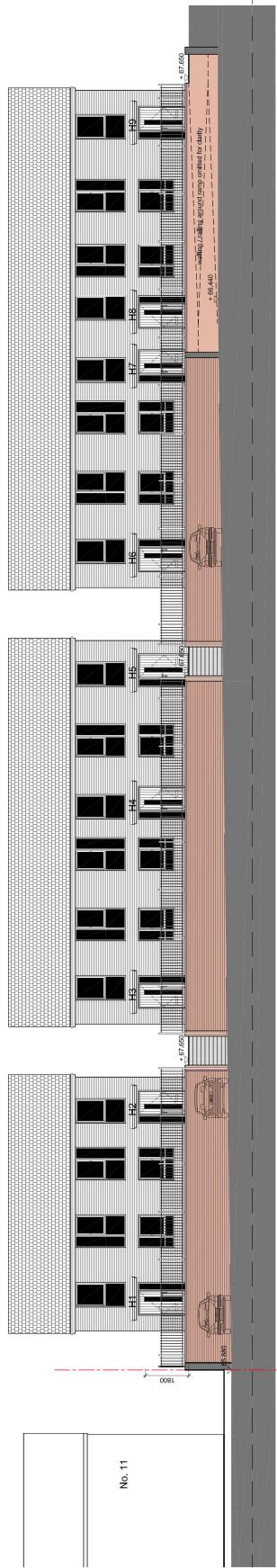
Proposed Street Scene - Plots 1-14

To : 0161 912 7265
Email : info@graysarchitecture.co.uk

From : 0161 912 7265
Email : info@graysarchitecture.co.uk

Date : 1:100 @ A1
Project : Morris Street, Radcliffe, Bury

Drawn By : The
Drawing No : 4550125
Revised : -



Ward: North Manor

Item 04

Applicant: Mrs Claire Balesi

Location: 10 Vernon Road, Tottington, Bury, BL8 4DD

Proposal: Variation of conditions 5 & 6 following approval of planning permission 62132 - Change opening hours from 07:00 - 19:00 to 08:00 - 21:00; Amend wording of condition 6 to allow doors and windows to be open till 9.30pm

Application Ref: 67639/Full

Target Date: 01/12/2021

Recommendation: Approve with Conditions

Description

The application relates to a ground floor unit within a Neighbourhood Shopping Centre. There are apartments above, accessed from a walkway at the rear and residential properties to the front, are 32m away across Vernon Road. There is a communal parking area at the rear and on street parking on the service road to the front.

The original application to change of use of shop to cafe was approved in 2018 (62132). The approval was subject to conditions restricting opening hours and opening and closing doors to 7pm. A subsequent application (67353) to vary the hours condition to allow opening to 10pm was refused in October.

Following the refusal for 10pm closing, this revised application seeks to vary the conditions and extend the opening hours to 9pm and allowing doors and window opening to 9.30pm to allow finishing up, cleaning and ventilation.

The restaurant has 36/38 covers. During the week, there would be two staff in the morning and 4/5 staff in afternoon/evening. At weekends there would be 5-7 staff in the evenings.

Relevant Planning History

67353 - Variation of condition to vary hours of opening to 10pm - Refused 01/10/2021. The noise and disturbance associated with the extended opening hours would be seriously detrimental to the amenities of nearby residents.

62132 - Change of use from shop (Class A1) to cafe (Class A3); New shop front and installation of flue at rear - Approved 01/08/2018

38474 - 12 Vernon Road - Change of use from medical centre to hot food takeaway (with opening hours to 11.30pm) - Refused on grounds that the takeaway would be seriously detrimental to the residential amenities of nearby occupiers by reason of the noise, smell, disturbance and general activity associated with the proposed use. There was also insufficient information on the flue/ extractor system

Publicity

Immediate neighbours notified by letter dated 26/10/2021. Three objections from Nos.2A, 4A, 7 and 9 Vernon Road, 2 Sandringham Drive and 1 Hayfield Close relating to noise and disturbance and odours.

- People served just before the closing time of 21:00 will still be there at 22:00! This does nothing at all to reduce noise emanating from the Bistro, especially on summer evenings.
- Consideration needs to be given not just to owners of the Bistro and their customers but

also to members of this community living directly opposite and above the Bistro in this residential area.

- Traffic has increased on Vernon Road and so too the numbers of people visiting the shops during the course of the day. So in the evenings when the shops have closed and the volume of traffic decreases, this quieter time is much appreciated especially by those living nearest the shops. This is particularly so on summer evenings when wanting to have windows open and to spend more time in the garden.
- Like the majority of residents in this community I value the convenience of our local shops. This situation would not have arisen if the Bistro had adhered to the original agreed opening hours of 07:00 - 19:00. For some time now the Bistro has been open till 9pm and beyond. It is only since this latest application was made that the original stipulated times have been followed. This does not give any re-assurance that any other designated closing time would be adhered to.
- Fumes and odours from the premises causing concerns later in evening.

Over a hundred comments have been received from various addresses in favour of the proposal, stating that the business has been successful despite difficult circumstances and is a benefit to the area in terms of the local economy and community and that the extended hours would not cause undue noise and disturbance as it is well run and customers are mostly local, more mature and not boisterous.

The objectors and supporters have been notified of the Planning Control Committee.

Statutory/Non-Statutory Consultations

Environmental Health - No objection to the extended opening time.

Pre-start Conditions - N/A

Unitary Development Plan and Policies

S1/5	Neighbourhood Centres and Local Shops
S2/6	Food and Drink
EN1/2	Townscape and Built Design
EN7/2	Noise Pollution
NPPF	National Planning Policy Framework
EC4/1	Small Businesses

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Relevant Policies - The National Planning Policy Framework (NPPF) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth, taking into account both local business and wider opportunities for development. In terms of the wider community, the NPPF states that planning decisions should promote social interaction to enhance the sustainability of communities and residential environments.

UDP Policy EC4/ Small Businesses. Proposals for small businesses will be acceptable when the scale of development is appropriate to, and the use is environmentally compatible with, the surrounding area in which it is to be located, and where they do not conflict with other policies and proposals of the Plan.

S1/5 Neighbourhood Centres and Local Shops. The Council will seek to retain retailing (Class A1), as the predominant use in small neighbourhood centres and in new or existing local shops, to cater primarily for the day to day needs of residents and businesses.

S2/6 - Food and Drink. The Council in considering all proposals which involve restaurants, hot food takeaways, cafes, snack bars, wine bars and public houses, together with any other uses contained within Class A3, will have regard to the following factors:

- a) the amenity of nearby residents by reason of noise, smell, litter and opening hours;
- b) whether or not the proposal would result in an over concentration of Class A3 uses, which could adversely change the nature or character of a centre as a whole;
- c) parking and servicing provision associated with the proposed development and its effects in terms of road safety, traffic generation and movement;
- d) provision for the storage and disposal of refuse and customer litter;
- e) the environmental impact of any ventilation flues and/or ducting.

Use - The use of the premises as a cafe/restaurant is not at issue as this was approved by the previous approval for the change of use from a shop in 2018.

Business and economy - With the levels of support received in favour of the restaurant, the business appears to be very popular locally and clearly adds to the viability and vitality of the Neighbourhood Shopping Centre. It is important to note that it as well as supporting

the applicant, it employs up to seven part time or full time staff.

Opening times and Residential amenity - The existing business, since its establishment in 2018, appears to be popular locally, despite difficult circumstances during Covid. Evidence does suggest that it has been opening beyond 7pm, which was the initial proposed closing time set out in the initial change of use application. However this reflected the National Guidance in response to the pandemic on the important role that food provision can make to the community. This application is therefore seeking to build upon the original consent whilst understanding the need to balance amenity by proposing a 9pm closing and this is what is being assessed.

The main issue with regard to any assessment of the proposal to extend the opening time of the business to 9pm from 7pm would be the impact of any noise and disturbance on neighbours, either from the premises itself or customers coming and going from it, particularly towards the end of the evening.

In terms of the relationship with neighbours, the nearest residents are on the flats above the shopping centre. Residential properties to the front, are 32m away across Vernon Road and to the West on Sandringham Drive, about 35m away.

It is noted that the existing co-op on the shopping row is open until 10pm. With all the other units on the row closing early evening, the immediate area, is relatively quiet.

It is noted that a complaint was made in the past as a result of the business opening after 9pm. However the bistro is relatively modest in size (approx 70sqm) with around 36 covers and has no external eating areas. With existing restrictions on noise and Environmental Health regulations in place, it is not considered that there would be excessive noise and disturbance emanating from the premises. Given the site is within an existing commercial centre where there is a shop already open until 10pm, the 9pm closing is not considered unreasonable with existing constraints in place. With the 9pm closing, it would reasonable to allow doors and windows to open until 9.30pm to allow finishing up and clearing away, particularly in light of Covid restrictions. The applicant is also aware that the business's continued success is based on a good relationship with neighbours and has indicated that customers would be advised to leave the premises as quietly as possible.

Given the benefits of the business to the local economy and maintaining the vitality and viability of the Neighbourhood Shopping Centre, the impact in terms of noise and disturbance would not be so significant to warrant refusal with conditions and other restrictions in place.

Public representations - The issues raised by those making representations have been addressed in the above report.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions/ Reasons

1. This decision relates to drawings numbered 10434/P/L01, L02, L03, E01, P01,

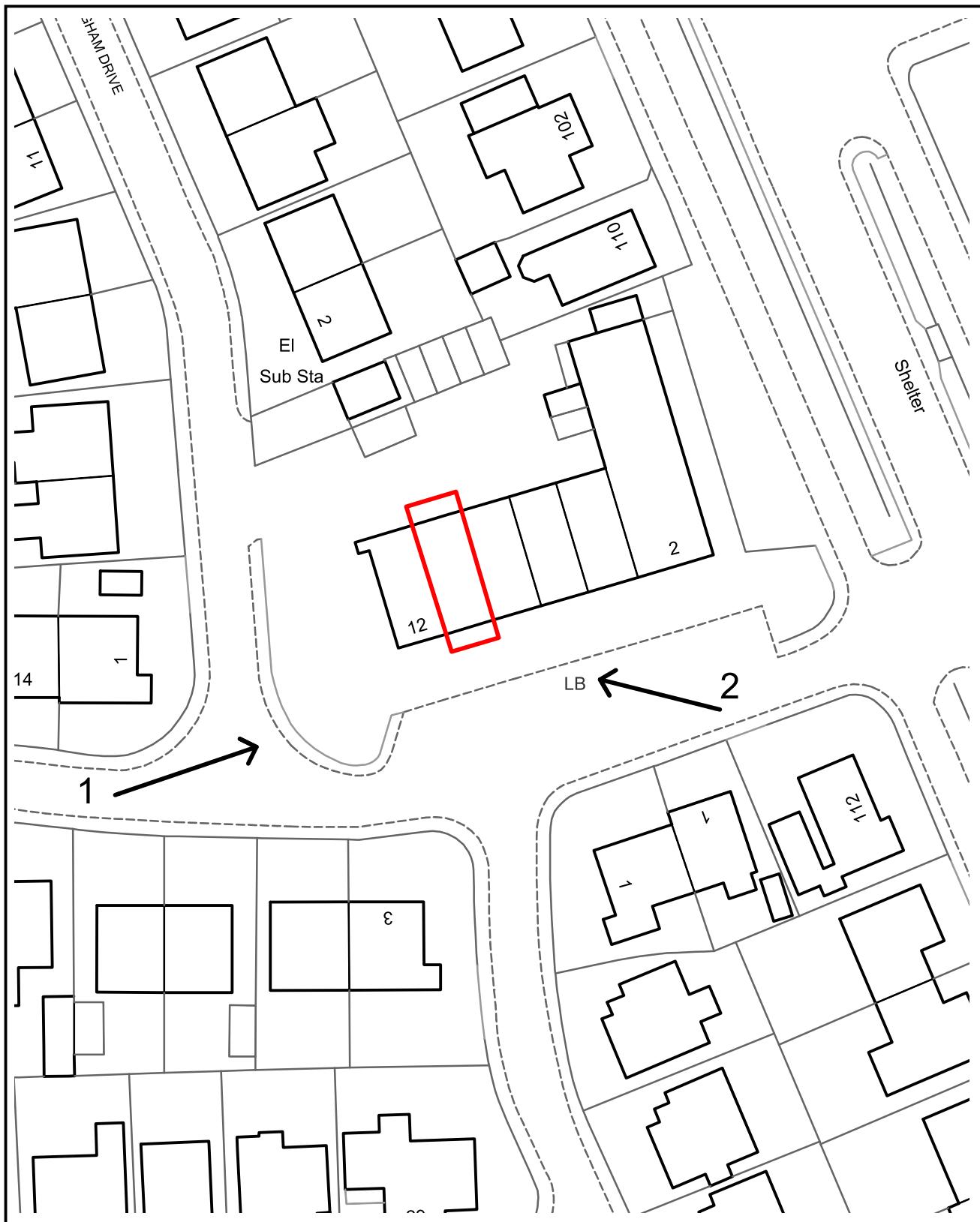
P02, 10434/P/E02/B and 1120EX(A) and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

2. Noise levels shall not exceed the following:
The noise level associated with the proposed plant/air intake/ extractor shall not exceed NR45dB(A) as measured outside the closest residential window.
The noise level associated with activities within the cafe shall not exceed 25dB(A) as measured from the closest residential window.
Reason. In the interests of residential amenity pursuant to the NPPF and UDP Policies S2/6 Food and Drink, EN7/2 Noise Pollution.
3. The recommendations within the Noise Management Plan, detailed in the Noise Impact Assessment (Clement Acoustics, dated 29/06/2018) submitted with application 62132, shall be implemented and thereafter maintained for the duration of the use hereby approved.
Reason. In the interests of residential amenity, pursuant to the NPPF and UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.
4. The cafe/restaurant hereby permitted shall not be open to customers outside the following times: 0700hrs to 2100hrs daily.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies S2/6 Food and Drink and EN7/2 Noise Pollution.
5. All doors and windows shall be closed after 9.30pm.
Reason. In the interests of residential amenity pursuant to UDP Policy S2/6 Food and Drink and EN7/2 Noise Pollution.

For further information on the application please contact **Tom Beirne** on **0161 253 5361**

Viewpoints



PLANNING APPLICATION LOCATION PLAN

APP. NO 67639

ADDRESS: 10 Vernon Road
Tottington



Bury
COUNCIL

Planning, Environmental and Regulatory Services

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67639

Photo 1



Photo 2



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NOTES

APPLICATION BOUNDARY

OWNERSHIP BOUNDARY

REV. DATE NOTES INIT.

CLIENT / PROJECT

MRS CLAIRE BELESI

10 VERNON ROAD

GREENMOUNT, BURY

DRAWING TITLE

EXISTING LOCATION PLAN

PLANNING

DRAWN	MB	SCALE @ A4		
		1:1250		
DATE		PROJECT NUMBER	UNIT / BLOCK	Q / SFB CODE
10.01.18		10434	P	L01
				-

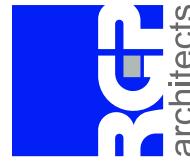
STATUS DRAWN MB TYPE & NUMBER REVISION LETTER DRAWING NO.

10434 P L01 -

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